

Exhibit B

1 ANDREW MOORE
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4 -----)
5 PLANNED PARENTHOOD FEDERATION OF)
6 AMERICA, INC., et al.,)
7 Plaintiffs,)Case No.
8 vs.)3:16-CV-00236-WHO
9 THE CENTER FOR MEDICAL PROGRESS,)
10 et al.,)
11 Defendants.)
12 -----)

13
14 *** CONTAINS CONFIDENTIAL PORTIONS ***

15 VIDEOTAPED DEPOSITION OF ANDREW MOORE

16 Washington, D.C.

17 April 10, 2019

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21
22
23
24 Job No: 157976

25 REPORTED BY: Tina Alfaro, RPR, CRR, RMR

1 ANDREW MOORE

2 Center for Law & Justice for Troy Newman.

3 MR. THERIOT: Kevin Theriot, Alliance

4 Defending Freedom for the Defendants as well as for
5 the deponent.

6 MR. LANGDON: David Langdon for the
7 witness.

8 MS. HARLE: Denise Harle for Defendants,
9 David Daleiden and Center for Medical Progress, and
10 also representing Mr. Moore.

11 THE VIDEOGRAPHER: Will the court reporter
12 please swear in the witness.

13 (Witness sworn.)

14 WHEREUPON:

15 ANDREW MOORE,
16 called as a witness herein, having been first duly
17 sworn, was examined and testified as follows:

18 EXAMINATION

19 BY MS. MARTIN:

20 Q. Good morning, Mr. Moore.

21 A. Hello.

22 Q. First thing is state your name for the
23 record.

24 A. My name is Andrew Moore.

25 Q. And where do you live currently?

1 ANDREW MOORE

2 A. Yes.

3 Q. And did you graduate from university?

4 A. No.

5 Q. How long did you attend, how many years did
6 you attend?

7 A. Approximately two and a half years.

8 Q. Okay. And so just to confirm, you do not
9 have any degree from the university?

10 A. Correct.

11 Q. Okay.

12 (Moore Exhibit 275 was marked
13 as requested.)

14 BY MS. MARTIN:

15 Q. I'm giving you what has been marked as
16 Exhibit 275, which is a LinkedIn page. Is this your
17 LinkedIn page?

18 A. It appears to be.

19 Q. I will say for whatever reason when we
20 print it out your picture does not print out, but if
21 you take a look this appears -- you say this appears
22 to be your...

23 A. (Witness nodding.)

24 THE REPORTER: I'm sorry. He's nodding.

25 THE WITNESS: Yes.

1 ANDREW MOORE

2 BY MS. MARTIN:

3 Q. Did you create this page yourself?

4 A. Yes.

5 Q. And do you update it regularly?

6 A. No.

7 Q. When do you -- how often do you update it?

8 A. Could be once a year, if that.

9 Q. So I will -- on your page you state that
10 you have "Devoted my life to the abolition of
11 abortion, the greatest human rights violation of our
12 time"; do you see that?

13 A. Yes.

14 Q. And did you type that or write that
15 yourself?

16 A. Yes.

17 Q. And that is something that is important to
18 you -- important enough to you that you put it front
19 and center on your LinkedIn page, correct?

20 A. Yes.

21 Q. Okay. Who is your current employer?

22 A. Susan B. Anthony List.

23 Q. Okay. And how long have you worked for the
24 Susan B. Anthony List?

25 A. Looks like three years and three months.

1 ANDREW MOORE

2 Q. And that -- is that generally accurate?

3 A. Yes.

4 (Moore Exhibit 276 was marked
5 as requested.)

6 BY MS. MARTIN:

7 Q. I'm going to mark what is going to be Moore
8 Exhibit 276.

9 A. Thank you.

10 Q. Have you ever seen this before? It's a
11 printout of a Website. Have you ever seen this
12 Website before?

13 A. Yes, I have.

14 Q. Okay. And you're familiar with this
15 Website?

16 A. Yes.

17 Q. And what is this Website?

18 A. Well, this is the Susan B. Anthony List
19 Website.

20 Q. Okay. At the top it says "The SBA List's
21 mission is to end abortion by electing national
22 leaders and advocating for laws that save lives with
23 special calling to promote pro-life women leaders."
24 Is that the mission of the SBA List as you
25 understand it to be?

1 ANDREW MOORE

2 A. Yes.

3 Q. And do you support that mission?

4 A. Yes.

5 Q. What are your responsibilities at Susan B.

6 Anthony List?

7 A. My responsibilities are updating the

8 Website and sending e-mails and social media and the

9 like.

10 Q. When you say "sending e-mails," what types

11 of e-mails are you sending?

12 A. E-mails to members of the organization.

13 Q. Are those e-mails asking for donations?

14 A. Some of them are.

15 Q. Are they e-mails that are providing news --

16 current news or current events information to your

17 members?

18 A. Yes, some of them.

19 Q. Okay. And when you say "members," are

20 these people who went onto the Website and signed up

21 to be on your mailing list, or are the names

22 gathered in a different way?

23 A. When I say "members," I'm referring to

24 anyone who receives e-mails from the organization.

25 Q. Okay. And those -- do you know how that

1 ANDREW MOORE

2 Q. So it's not in use or it's not an active

3 blog?

4 A. Correct.

5 Q. But it exists, but just no one uses it?

6 A. Not recently, no.

7 Q. Okay. And by "not recently," do you know

8 when the last time it was updated was?

9 A. It could be as much as six months ago.

10 Q. Okay. Did you post to that blog prior to

11 six months ago?

12 A. I have, yes.

13 Q. And was that content that you wrote

14 yourself, or did you post something that was written

15 by another employee?

16 A. It would be a combination of the two.

17 Q. Okay.

18 So moving along on your LinkedIn page, it

19 says that you were the director at AbortionWiki; is

20 that correct?

21 A. That is correct.

22 Q. And how long have you been the director at

23 AbortionWiki?

24 A. Approximately seven years.

25 Q. And what is AbortionWiki?

1 ANDREW MOORE

2 A. It's an on-line database with information
3 about the abortion industry.

4 Q. Is that information with an anti-abortion
5 slant or -- yeah, is that information with an
6 anti-abortion slant?

7 MS. HARLE: Objection, vague, ambiguous.

8 BY THE WITNESS:

9 A. Let me -- the information is intended to be
10 representing fact.

11 Q. And AbortionWiki, does -- do you post
12 content that is from third-party sources, like you
13 post links to things, or do you create original
14 content specifically for the Website?

15 A. Both.

16 Q. So for example, if you were posting a news
17 article, you might write a little blurb either
18 summarizing it or giving some context to the news
19 article?

20 A. Correct.

21 Q. Okay. Why did you start AbortionWiki?

22 A. I started AbortionWiki to document the
23 activities of the abortion industry.

24 Q. Was anyone else involved in the creation of
25 AbortionWiki?

1 ANDREW MOORE

2 Q. Have you ever taken any computer
3 programming classes?

4 A. Yes.

5 Q. Where did you take those classes?

6 A. University of Canterbury.

7 Q. Have you ever taken any classes focused on
8 HTML or creating Websites?

9 A. Not that I can recall.

10 Q. Okay. So when you created AbortionWiki,
11 did you have any training to -- about how to create
12 that Website?

13 A. No, no training.

14 Q. Had you read any books about how to create
15 a Website?

16 A. Not that I can recall.

17 Q. How did you know how to create a Website?

18 A. Just through trial and error really.

19 Q. We're going to go back to your LinkedIn
20 page, and moving along, prior to your current
21 position at Susan B. Anthony List, where were you
22 employed?

23 A. Americans United for Life.

24 Q. And how long were you at Americans United
25 For Life?

1 ANDREW MOORE

2 A. About two years and nine months.

3 Q. If I refer to Americans United For Life as
4 AUL, will you understand what I mean?

5 A. Yes.

6 Q. Is that a normal abbreviation that people
7 use for --

8 A. Yeah. Yes.

9 Q. Okay. And what was your job at AUL?

10 A. My job was director of marketing and
11 communications.

12 Q. And does that include on-line
13 communications?

14 A. Yes.

15 Q. And what were your job responsibilities?

16 A. Maintaining the Website and managing the
17 social media accounts and managing the e-mail
18 program were some of my responsibilities.

19 Q. When you say "e-mail program," what do you
20 mean by that?

21 A. Overseeing the sending of e-mails to the
22 members of the organization.

23 Q. Okay. And, again, what type of e-mails
24 were you sending? Were they donation e-mails?

25 A. Yes, some of them were.

1 ANDREW MOORE

2 A. Yes.

3 Q. Were you involved in posting of those

4 Web -- posting of those press releases?

5 A. Yes.

6 Q. Were you involved in drafting the press

7 releases?

8 A. No.

9 Q. Were you involved in providing any edits to

10 the press releases?

11 A. Occasionally.

12 Q. And if you can recall, were those edits

13 substantive edits or were they typographical?

14 A. Typographical edits.

15 Q. Okay.

16 While -- while at AUL did any of your work

17 directly involved Planned Parenthood?

18 A. Yes.

19 Q. And how did your work involve Planned

20 Parenthood?

21 A. It involved exposing the injustice

22 perpetrated by Planned Parenthood.

23 Q. Was one way of doing that to work on trying

24 to defund Planned Parenthood?

25 A. Yes.

1 ANDREW MOORE

2 Q. Did people at AUL work with legislators to
3 pass defunding legislation?

4 A. I'm not a hundred percent sure on that.

5 Q. Would defunding legislation move AUL's
6 goals forward?

7 MS. HARLE: Objection, vague, calls for
8 speculation.

9 BY THE WITNESS:

10 A. I'm not -- I'm not sure.

11 Q. I'll try to ask it a little differently.

12 Were people at -- did other people at AUL
13 besides yourself support defunding Planned
14 Parenthood?

15 MS. HARLE: Objection, calls for
16 speculation.

17 BY THE WITNESS:

18 A. I couldn't speak for them.

19 Q. Did you ever have conversations with other
20 people at AUL about defunding Planned Parenthood?

21 A. Yes.

22 Q. Did you ever use the hashtag "Defund
23 planned parenthood" or "Defund PP" when posting for
24 AUL on social media?

25 A. I believe so.

1 ANDREW MOORE

2 Life New Zealand?

3 A. Varying tasks to support the mission.

4 Q. Okay. And you were not a founder of Right

5 To Life New Zealand?

6 A. No, I wasn't.

7 Q. Okay. Your -- back to your LinkedIn. It

8 says that you helped form decisions regarding Right

9 To Life's lawsuit against New Zealand's abortion

10 supervisory -- I apologize, it cuts off after that.

11 Do you recall what lawsuit that was?

12 A. Yes.

13 Q. What was the subject matter of that

14 lawsuit?

15 A. I don't recall.

16 Q. Were you a party to that lawsuit, or did

17 you just assist Right To Life with their work on

18 that lawsuit?

19 A. I assisted, yes.

20 Q. And why did you leave Right To Life New

21 Zealand?

22 A. Due to being out of the country.

23 Q. Okay.

24 Do you have any journalism background?

25 A. I don't believe so.

1 ANDREW MOORE

2 Q. Did you take any journalism classes at
3 university?

4 A. Not that I can recall.

5 Q. All right. And you have no professional
6 journalism experience, correct?

7 A. Correct.

8 Q. Are you aware of any ethical standards that
9 apply to journalists?

10 A. Yes.

11 Q. And what are those standards?

12 A. One of the standards would be to be
13 truthful in reporting.

14 Q. Do you agree that abortion is legal in the
15 United States?

16 MS. HARLE: Objection, calls for a legal
17 conclusion, overbroad.

18 BY THE WITNESS:

19 A. I'm not sure how to answer that question
20 because it is a very broad question.

21 Q. Do you agree that there are Supreme Court
22 rulings that allow for a woman's right to choose in
23 the United States?

24 MS. HARLE: Objection, vague, incomplete
25 hypothetical.

1 ANDREW MOORE

2 to the entire United States because of different
3 laws.

4 Q. Okay. Do you actively work to prevent
5 people from being able to get an abortion?

6 A. Would you mind rephrasing that question?

7 Q. Sure.

8 Do you actively work to limit resources for
9 abortion providers such as Planned Parenthood?

10 MR. LANGDON: Objection, vague. You may
11 answer.

12 BY THE WITNESS:

13 A. Some resources.

14 Q. And what would those resources be?

15 A. One example would be taxpayer dollars.

16 Q. And by "taxpayer dollars" does that refer
17 to various defunding Planned Parenthood campaigns?

18 MS. HARLE: Objection, vague.

19 BY THE WITNESS:

20 A. I don't fully understand that question.

21 Q. Okay. Let me try to rephrase.

22 When you say taxpayer dollars as a resource
23 that you're trying to limit, what do you mean by
24 that?

25 A. I'm trying -- I'm anticipating activities

1 ANDREW MOORE
2 to limit the quantity of taxpayer dollars that
3 Planned Parenthood receives.

4 Q. Do you do work to limit the ability of
5 women -- sorry -- of people to access abortion?

6 MS. HARLE: Objection, vague.

7 BY THE WITNESS:

8 A. I'm not really familiar enough with the
9 individual situations that women find themselves in.
10 So I couldn't speak to that.

11 Q. Do you participate in work to help close
12 down abortion clinics?

13 A. No.

14 Q. Do you participate in any work related
15 to -- scratch that.

16 What are your views on people who choose to
17 get abortions?

18 A. I feel great sadness.

19 Q. And why do you feel that way?

20 A. Because I'm sad that they found themselves
21 in a position where they believe that to be the
22 correct choice to make and sadness for the unjust
23 death of the child.

24 Q. What do you think should happen to women
25 who have abortions?

1 ANDREW MOORE

2 MS. HARLE: Objection, vague, overbroad.

3 BY THE WITNESS:

4 A. You know, I'm not fully sure I understand
5 the question.

6 Q. Do you believe women who obtain abortions
7 should be criminally punished?

8 A. No.

9 Q. Do you do any work to prevent doctors from
10 being able to perform abortions?]

11 MR. LANGDON: Objection, vague.

12 BY THE WITNESS:

13 A. Not that I'm aware of.]

14 Q. Do you know what a trap law is?

15 A. Could you remind me?

16 Q. Does the Susan B. Anthony List or your
17 prior employer, AUL, work with any state legislators
18 to pass laws restricting or putting -- sorry --
19 putting restrictions on abortion clinics and how
20 they provide their care?

21 MS. HARLE: Objection, compound, vague,
22 overbroad.

23 BY THE WITNESS:

24 A. I felt there was multiple aspects to that
25 question. So it would be difficult to answer.

1 ANDREW MOORE

2 Q. Okay. Let me see if I can break it up.

3 Does your current employer or your former
4 employer work with any state legislators to draft or
5 pass laws related to abortion providers needing
6 hospital-admitting privileges?

7 MS. HARLE: Overbroad, vague as to time.

8 MR. LANGDON: Objection, vague.

9 BY THE WITNESS:

10 A. They may have done.

11 Q. Were you involved in any of those efforts?

12 MS. HARLE: Objection, misstates testimony,
13 vague.

14 BY THE WITNESS:

15 A. I was not involved with meetings with
16 legislators.

17 Q. Okay.

18 What are your views on doctors who perform
19 abortions?

20 A. They're not real doctors.

21 Q. And why are they not real doctors?

22 A. Because doctors heal, they don't kill.

23 Q. Do you believe that doctors who perform
24 abortions should be criminally punished?

25 MS. HARLE: Objection, incomplete

1 ANDREW MOORE

2 hypothetical.

3 BY THE WITNESS:

4 A. I'm, you know, not -- I don't have legal
5 experience. So I don't know what -- if that should
6 be the case or not.

7 Q. Do you think that doctors who perform
8 abortions should lose their medical licenses?

9 A. That's not something I've ever given a
10 whole lot of thought.

11 Q. What are your views on Planned Parenthood
12 as an organization?

13 MR. LANGDON: Objection, vague.

14 BY THE WITNESS:

15 A. One of my views is that they receive
16 \$500 million from the taxpayer every year.

17 Q. Do you have any other views about Planned
18 Parenthood?

19 A. Yes.

20 Q. And what are those views?

21 A. One view would be that they were founded on
22 racist principles.

23 Q. And do you actively work to get Planned
24 Parenthood defunded?

25 MS. HARLE: Objection, vague.

1 ANDREW MOORE

2 BY THE WITNESS:

3 A. Sometimes.

4 Q. Okay. Do you actively work to have Planned
5 Parenthood shut down or put out of business?

6 A. It wouldn't really be my decision if they
7 shut down. That would be their decision. So I
8 don't see how I could impact that.

9 MS. HARLE: Counsel, Megan, what do I call
10 you, can we take a break when you get to a good
11 stopping point?

12 MS. MARTIN: One more question here.

13 MS. HARLE: Sure.

14 BY MS. MARTIN:

15 Q. Along with this, do you -- would you prefer
16 that Planned Parenthood shut down?

17 A. No.

18 Q. And why would you prefer that they not shut
19 down?

20 A. I don't have a strong opinion that they
21 should be shut down.

22 MS. MARTIN: Okay. We can take a break.

23 THE VIDEOGRAPHER: We are going off the
24 record at 10:32.

25 (A short break was had.)

1 ANDREW MOORE

2 members to call, tweet, write. In those did you
3 also provide any type of template language for the
4 members to use?

5 A. Sometimes we did, yes.

6 Q. And did you provide hashtags for members to
7 use when you were at AUL?

8 A. Sometimes, yes.

9 Q. When you were at AUL did you track the use
10 of those hashtags?

11 A. Sometimes we did, yes.

12 (Moore Exhibit 279 was marked
13 as requested.)

14 BY MS. MARTIN:

15 Q. Okay. I'll show you what is marked as 279.

16 A. Thank you.

17 Q. So this is an article printed from
18 AbortionWiki. Have you seen this article before?

19 MS. HARLE: Counsel, can you give us a
20 moment to take a look.

21 (Witness reviewing document.)

22 BY THE WITNESS:

23 A. I have seen this before.

24 Q. Okay. What is this article?

25 A. This is an article about a Chrome

1 ANDREW MOORE

2 extension.

3 Q. And what was that Chrome extension?

4 A. It changed the term "pro-choice" to "pro-
5 abortion." It's missing the end quote.

6 Q. And did you create this Chrome extension?

7 A. Yes.

8 Q. And why did you feel the need to create
9 this extension -- this Chrome extension?

10 A. It was something I just wanted to do.

11 Q. Did anyone assist you with this, with the
12 creation of this Chrome extension?

13 A. Not that I can recall.

14 Q. Did anyone provide you funding to create
15 this Chrome extension?

16 A. No.

17 Q. Is this extension still available today?

18 A. I'm unsure if it is or not.

19 Q. Okay. You know David Daleiden, correct?

20 A. I do know him, yeah.

21 Q. Okay. When did you first meet
22 Mr. Daleiden?

23 A. I think around 2012.

24 Q. How did you come to meet him?

25 A. I don't recall how I came to meet him.

1 ANDREW MOORE

2 Q. Do you know -- sorry. When did he first
3 discuss with you the project that's the subject of
4 this lawsuit?

5 A. I don't recall when that was.

6 Q. Did Mr. Daleiden approach you directly
7 about the lawsuit -- sorry -- about the project
8 that's the subject of the lawsuit?

9 MS. HARLE: Objection, lacks foundation.

10 You might want to state the project. Vague.

11 BY MS. MARTIN:

12 Q. Okay. We'll get to that. So do you know
13 what The Center for Medical Progress is?

14 A. Yes.

15 Q. Okay. And going forward I may abbreviate
16 The Center for Medical Progress as CMP. You
17 understand me when I use CMP?

18 A. Yes.

19 Q. Okay. What is CMP?

20 A. CMP is a pro-life organization.

21 Q. And how did you become aware of CMP?

22 A. I believe David Daleiden told me about the
23 organization.

24 Q. Do you recall when David Daleiden told you
25 about the organization?

1 ANDREW MOORE

2 A. No, I don't recall when.

3 Q. Did Mr. -- did Mr. Daleiden approach you
4 directly about the organization?

5 A. Yes.

6 Q. Did he e-mail you about the organization?

7 MS. HARLE: Objection, vague.

8 BY THE WITNESS:

9 A. I don't recall the medium he used to tell
10 me about the organization.

11 Q. And do you recall when he first told you
12 about CMP?

13 A. No. No, I don't.

14 Q. Was it prior to 2015?

15 A. I don't -- I don't recall.

16 Q. Do you recall what he told you about CMP in
17 the first instance, when he first spoke to you about
18 CMP?

19 A. I mean, I recall generally, but no
20 specifics of the conversation about CMP.

21 Q. And what were the -- what do you remember
22 generally about the conversation?

23 A. That CMP was a pro-life organization that
24 existed to pursue pro-life ends.

25 Q. Do you know when CMP was created?

1 ANDREW MOORE

2 A. No, I don't.

3 Q. Were you involved in the creation of CMP?

4 A. I don't fully understand that question.

5 Q. When CMP was first founded, were you

6 involved in CMP at that -- at that time?

7 A. I don't believe so, no.

8 Q. When did you become involved in CMP?

9 A. I don't recall the exact dates that I

10 became involved.

11 Q. How did you first become involved with CMP?

12 A. By way of David asking me to become

13 involved.

14 Q. So Mr. Daleiden reached out to you directly

15 and asked you to become involved in CMP?

16 A. Yes.

17 Q. And just to confirm, you're not aware of

18 when that was or you can't recall when that was?

19 A. No, I can't recall that, no.

20 Q. When Mr. Daleiden reached out to you to

21 become involved with CMP, was he aware that you

22 worked for AUL?

23 MS. HARLE: Objection, calls for

24 speculation.

25 BY THE WITNESS:

1 ANDREW MOORE

2 video project?

3 A. No.

4 Q. How long did you work for CMP?

5 MS. HARLE: Objection, lacks foundation.

6 BY THE WITNESS:

7 A. I'm not sure I completely understand your
8 question.

9 Q. Did you work for CMP?

10 A. I don't fully understand that question.

11 Q. Did you do any work to assist CMP?

12 A. Yes, I did.

13 Q. And what was that work?

14 A. That was focused on Web design with a
15 little bit of focus on social media.

16 Q. When did you begin this work -- that work
17 for CMP?

18 A. I don't recall a specific time that I did.

19 Q. Was it prior to 2015?

20 A. I don't recall.

21 Q. You said you assisted with Web design. Did
22 you help CMP or Mr. Daleiden create the CMP Website?

23 A. Yes.

24 Q. Do you recall when you helped create that
25 Website?

1 ANDREW MOORE

2 Q. Did you sign an independent contractor

3 agreement with CMP or Mr. Daleiden?

4 A. I don't recall that.

5 Q. Were you paid for your work by CMP or

6 Mr. Daleiden?

7 A. Yes.

8 Q. How much were you paid?

9 A. I don't recall how much.

10 Q. Was the pay determined by the hours you

11 worked?

12 A. No.

13 Q. Was the pay based on specific projects you

14 were doing?

15 A. Yes.

16 Q. Do you recall how many projects you were

17 paid for?

18 A. No, I don't.

19 Q. Did you negotiate your rate with

20 Mr. Daleiden or CMP prior to starting your work?

21 A. I don't recall when that was decided.

22 Q. Do you recall if you suggested the rate

23 that you would be paid?

24 A. No, I don't recall that.

25 Q. How were you paid? Did you receive a

1 ANDREW MOORE

2 official CMP account?

3 A. No, I don't recall that.

4 Q. Did you receive a 1099 for your payment --
5 along with your payments for your taxes?

6 A. I -- I don't recall that.

7 Q. Do you recall if you included this income
8 on your taxes?

9 A. I don't -- I don't recall that, no.

10 Q. So at this time you were receiving payment
11 from CMP you were also collecting a paycheck from
12 AUL, correct?

13 A. That's correct, yes.

14 Q. In the course of your normal duties at AUL?

15 A. Uh-huh. Yes.

16 Q. Was AUL aware of your work for CMP?

17 A. At -- at one point they were.

18 Q. Do you know -- can you specify -- can you
19 narrow down what you mean by "at one point"?

20 A. Initially they were not aware, and then
21 they were aware.

22 Q. And when did they become aware?

23 A. I don't know the specific time that they
24 became aware.

25 Q. Was it prior to the videos being released?

1 ANDREW MOORE

2 (A short break was had.)

3 THE VIDEOGRAPHER: We're back on the record

4 at 12:09.

5 BY MS. MARTIN:

6 Q. I think before we went on break we were --

7 I asked you if you knew of CMP's goals.

8 A. Uh-huh.

9 Q. I believe you said you were not aware of

10 what CMP's goals were?

11 A. Correct.

12 Q. All right. So I believe you said that you

13 were involved with CMP's social media. Were you

14 involved with CMP's social media strategy?

15 A. Yes.

16 Q. And what was that role?

17 A. Offering advice on, you know, things --

18 ways to go about using social media.

19 Q. And who did you offer this advice to?

20 A. To -- to people who work with CMP.

21 Q. Would that include Mr. Daleiden?

22 A. Yes.

23 Q. Who -- who else was involved with

24 developing CMP's social media strategy?

25 A. David Daleiden was.

1 ANDREW MOORE

2 Q. Anyone else?

3 A. I'm not aware of any others who were.

4 Q. Was Mr. Daleiden your main point of contact
5 at CMP?

6 A. He was.

7 Q. What was the purpose of CMP's social media
8 strategy?

9 A. To disseminate information.

10 Q. Did CMP have social media accounts?

11 A. Yes.

12 Q. Which platforms did they use?

13 A. Twitter and Facebook.

14 Q. Instagram?

15 A. Not that I know of.

16 Q. Who created CMP's Twitter account?

17 A. I don't recall.

18 Q. Do you recall what Twitter handle CMP used?

19 A. I believe so, yes.

20 Q. And what -- what Twitter handle is that?

21 A. I believe it is CTRMEDPROGRESS.

22 (Moore Exhibit 280 was marked
23 as requested.)

24 BY MS. MARTIN:

25 Q. I'm going to -- we're going to mark this.

1 ANDREW MOORE

2 So we're marking this as Moore Exhibit 280.

3 A. Thank you.

4 Q. Have you seen this document before?

5 A. I believe so, yes.

6 Q. This document is an e-mail chain dated
7 July 13, 2015 between Mr. Daleiden and yourself and
8 a few other people; is that correct?

9 A. Sorry. Could you repeat the question so
10 I'm clear?

11 Q. Sorry. The -- the document that I've put
12 in front of you appears to be an e-mail chain from
13 July 13, 2015 between you, Mr. Daleiden, and a few
14 others?

15 A. I agree.

16 Q. Okay. And July -- sorry. Do you know the
17 first -- do you know the date the first CMP video
18 was released?

19 A. No. I -- I don't recall what the specific
20 date was, no.

21 Q. Would -- if I told that you the first video
22 was released on July 14, 2015, would you have any
23 reason to disagree with that?

24 A. Sorry. Could you please repeat the date
25 one more time?

1 ANDREW MOORE

2 A. Sorry. So I'm clear, could you please
3 repeat the question.

4 Q. In this document Mr. Daleiden says "You
5 have authority to change the name of the Twitter
6 handle." Did that -- sorry. Do you -- are you
7 aware, did you also have authority to post from that
8 Twitter handle?

9 A. Yes.

10 Q. Were you the only person that had authority
11 to post from that Twitter handle?

12 A. No.

13 Q. Who else had authority to post from that
14 Twitter handle?

15 A. I believe David would have had authority.

16 Q. Okay. Did you determine what was actually
17 posted or tweeted from the Twitter -- from the CMP
18 Twitter handle?

19 A. I don't believe so.

20 Q. Did Mr. Daleiden determine what was posted
21 or tweeted from the CMP Twitter handle?

22 A. Sometimes.

23 Q. Did anyone else provide -- did anybody else
24 tell you what should be posted or tweeted from the
25 CMP Twitter handle?

1 ANDREW MOORE

2 A. Not that I can recall.

3 Q. Okay.

4 So your response of the "Let's party" GIF,
5 is that because you knew the videos were going to be
6 released within the next 24 hours?

7 A. I can't recall why I used that GIF.

8 Q. Was -- was this work that you were doing
9 with CMP in July of 2015 fun for you?

10 A. Sometimes. Although -- yeah, sometimes.

11 Q. Okay. Are you still in charge of posting
12 to the CMP -- using the CMP Twitter handle?

13 A. No.

14 Q. Do you know who handles the CMP Twitter
15 account now?

16 A. No.

17 Q. Going back to -- do you know who create --
18 you said that CMP had a Facebook account, correct?

19 A. Yes. Uh-huh.

20 Q. Did you create that Facebook account?

21 A. I don't believe so, no.

22 Q. Did you have permission to post from the
23 CMP Facebook account?

24 A. Yes.

25 Q. Did anyone else have permission to post

1 ANDREW MOORE

2 from the CMP Facebook account?

3 A. Yes.

4 Q. Who else?

5 A. I believe David had permission.

6 Q. Anyone else?

7 A. Not that I know of.

8 Q. Did you create the content that was used
9 for the CMP Facebook account?

10 A. Sometimes.

11 Q. Did Mr. Daleiden create content that was
12 used for the CMP Facebook account?

13 A. Sometimes he did, yes.

14 Q. What type of content would you tweet from
15 the CMP Twitter handle?

16 A. I don't recall. I mean, there were images,
17 text, but I don't recall the specifics of the
18 content that I tweeted -- tweeted out.

19 Q. Did you tweet links to the CMP videos
20 during the summer of 2015?

21 A. I don't -- I can't recall specifically
22 tweeting out those links.

23 Q. And what type of content would you post to
24 the CMP Facebook page?

25 A. An example would be a press release.

1 ANDREW MOORE

2 anything on behalf of AUL to -- to push CMP's
3 Twitter handle or get people to follow CMP's Twitter
4 handle?

5 A. No. I don't recall specifically working on
6 that, no, at that organization.

7 Q. Prior to the release of the videos did you
8 assist CMP or Mr. Daleiden in the creation of
9 hashtags to be used with the videos?

10 A. I don't recall if I participated in that
11 before -- before those videos were released.

12 (Moore Exhibit 281 was marked
13 as requested.)

14 BY MS. MARTIN:

15 Q. I'm going to show you a document. This is
16 being marked as Moore 281.

17 A. Very good. Thank you.

18 Q. So I've put a two-page e-mail chain in
19 front of you with the Bates No. CM-19227 through
20 228, and when I refer to the Bates numbers, I'm
21 referring to the little numbers at the bottom of the
22 page.

23 A. Where exactly?

24 Q. They're down at the bottom right-hand
25 corner of the page. Oh, yours may be covered by the

1 ANDREW MOORE

2 exhibit sticker.

3 A. Sorry. You're saying that's a date?

4 Q. No, no, no. It's a Bates number. It's
5 more for identification purposes.

6 A. Oh, I thought you said dates.

7 Q. Sorry.

8 A. Yep.

9 Q. So this e-mail chain -- would you agree
10 that this looks to be an e-mail chain dated
11 July 13th and 14th, 2015 between you, Mr. Daleiden,
12 and Bryan Kemper?

13 A. Yes.

14 Q. Who is Bryan Kemper?

15 A. He's a pro-life individual.

16 Q. Do you know what organization he works for?

17 A. Yes.

18 Q. Which organization?

19 A. Priests For Life.

20 THE REPORTER: I'm sorry?

21 THE WITNESS: Priests For Life.

22 BY MS. MARTIN:

23 Q. Prior to July of 2015 had you had
24 interactions with Mr. Kemper?

25 A. Yes.

1 ANDREW MOORE

2 Q. Did you -- prior to July of 2015 had you
3 spoken to Mr. Kemper about your work with CMP?

4 A. I don't recall discussing that with him.

5 Q. Okay. The subject line of this e-mail is
6 "Re: Hashtag"; is that correct?

7 A. Yes.

8 Q. All right. Starting from the first in time
9 e-mail, which is the e-mail at the bottom, it says
10 "Andy Moore wrote: I'm going to strongly" --
11 "strongly" in all caps -- "suggest #HUMANCAPITAL";
12 do you see that?

13 A. Yes, I do.

14 Q. Was -- sorry. Did Mr. Daleiden ask for
15 your -- your input in which hashtag to use?

16 A. I don't recall if he asked me that.

17 Q. And Mr. Daleiden then responded to your
18 e-mail saying "My concern is that it's just too
19 abstract, it's an economic term. Can we brainstorm
20 all of our options" and he lists a few options
21 below; do you see that?

22 A. Yes, I do. Yep.

23 Q. And the final e-mail you responded "Other
24 than that one." Are you -- when you say "other than
25 that one," are you referring to the hashtag "Human

1 ANDREW MOORE

2 capital" that you suggested at the bottom?

3 A. I have to assume so, yes.

4 Q. "I like #PLANNEDPARENTHOODSELLSBABYPARTS

5 and #BABYPARTSFORSALE"; is that correct? Did you

6 suggest those two hashtags?

7 A. Yes.

8 Q. Do you know what hashtag ultimately was

9 decided on?

10 A. Yes.

11 Q. What was that hashtag?

12 A. PP sells baby parts.

13 Q. Do you know who made the final decision on

14 what hashtag to use?

15 A. I don't recall who made the final decision.

16 Q. Would Mr. Daleiden have had final input on

17 the hashtag used?

18 A. I believe so, yes.

19 (Moore Exhibit 282 was marked

20 as requested.)

21 BY MS. MARTIN:

22 Q. I'm going to hand you what is marked as

23 Moore Exhibit 282.

24 A. Thank you.

25 Q. This is a one-page e-mail with the Bates

1 ANDREW MOORE

2 No. CM-18537. This appears to be an e-mail from --
3 dated August 19, 2015 from Mr. Daleiden to five
4 individuals including Andy Moore, who is you,
5 correct?

6 A. Yes.

7 Q. Okay. And did I correctly represent what
8 the e-mail is?

9 MS. HARLE: Objection, vague.

10 BY THE WITNESS:

11 A. I don't believe you talked about the
12 substance of the e-mail, but --

13 Q. Sorry. The date -- the date and the
14 individuals on the e-mail.

15 A. Yeah, I agree that regarding the date and
16 number of individuals on the e-mail.

17 Q. Okay. The subject line is "FB article
18 example," and Mr. Daleiden says "This is the kind of
19 solid mainstream article that we should be posting
20 to the CMP Facebook and Twitter every four hours"
21 with a link to an article; is that correct?

22 A. Yes.

23 Q. Did Mr. Daleiden often forward examples of
24 things that he wanted to see on the CMP Facebook and
25 Twitter?

1 ANDREW MOORE

2 Twitter without discussing with Mr. Daleiden?

3 A. I don't recall the specific arrangement we
4 had about that.

5 (Moore Exhibit 283 was marked
6 as requested.)

7 BY MS. MARTIN:

8 Q. Okay. I'm showing you what's marked as
9 Moore Exhibit 283.

10 A. Thank you.

11 Q. This is a one-page e-mail with the Bates
12 number CM-18512. This appears to be an e-mail -- an
13 e-mail exchange between Mr. Daleiden and Andy Moore
14 dated July 20 -- sorry -- August 21, 2015; is that
15 correct?

16 A. Yes.

17 Q. The subject line is "Re: E-mail blast re
18 #PROTESTPP"; is that correct?

19 A. Yes.

20 Q. Okay. The first e-mail -- the oldest
21 e-mail in time seems to be an e-mail from you to
22 Mr. Daleiden with some text regarding a post; is
23 that correct?

24 A. No.

25 Q. Okay. What -- what is the first e-mail

1 ANDREW MOORE

2 A. I don't believe I said that I sent e-mails
3 out from CMP.

4 Q. Did you ever send out e-mails on behalf of
5 CMP?

6 A. I don't recall.

7 Q. Do you recall if Mr. Daleiden sent out
8 e-mails on behalf of CMP?

9 A. No, I don't recall.

10 Q. The document we're looking at, the subject
11 line says "E-mail blast." What is your
12 understanding of an e-mail blast?

13 A. An e-mail that is sent to, you know,
14 several -- more than two or three people.

15 Q. Are e-mail blasts sometimes sent to member
16 lists or member dislists -- organization's members
17 lists?

18 A. Yes.

19 Q. Are you aware of whether this e-mail that
20 we're discussing and the proposed language was going
21 to be sent to CMP's member list?

22 A. I believe it would have been, yes.

23 Q. Did you often assist Mr. Daleiden in
24 preparing such -- such e-mails for CMP?

25 A. I don't know exactly what you mean by

1 ANDREW MOORE

2 "often."

3 Q. On more than one occasion did you help

4 Mr. Daleiden prepare e-mails to send out to CMP's

5 e-mail list?

6 A. Yes.

7 Q. And on those occasions did the CMP

8 e-mails -- did the e-mails sent to CMP's list

9 often -- strike the "often" -- include a donate

10 link?

11 A. Sometimes.

12 Q. And in this e-mail that we're looking at

13 Mr. Daleiden proposes some -- an edit, he asked you

14 to include a line to the e-mail. If Mr. Daleiden

15 suggested an edit, would you make that edit?

16 A. Yes.

17 Q. In the content -- in the e-mail blast

18 subject -- sorry, not subject. In the body it says

19 "Please visit protestpp.com now to find a protest

20 location near you." Do you know what protestpp.com

21 is?

22 A. Yes.

23 Q. What is protestpp.com?

24 A. It is a pro-life Website.

25 Q. And what -- does protestpp.com help

1 ANDREW MOORE

2 Q. Who was your contact at Protest PP for the
3 Website, related to your work on the Website?

4 A. Eric Scheidler.

5 Q. Sorry. And then I think we spoke a little
6 bit about this before, but did you -- did you --
7 actually, strike that. We'll come back to that.

8 Regarding Protest PP, do you know who led
9 the group or led the coalition?

10 A. I don't know specifically who led the
11 coalition.

12 (Moore Exhibit 284 was marked
13 as requested.)

14 BY MS. MARTIN:

15 Q. Okay. I'm going to show you what's marked
16 as Moore 284.

17 THE REPORTER: Moore --

18 MS. MARTIN: 284.

19 BY MS. MARTIN:

20 Q. This is a one-page e-mail with the Bates
21 CM-18823. This looks to be an e-mail chain
22 between -- dated July 16, 2015 between you and David
23 Daleiden; is that correct?

24 A. Yes.

25 Q. Have you seen this document before?

1 ANDREW MOORE

2 A. Yes.

3 Q. All right. The first in time e-mail David
4 Daleiden asks you to do a match-up graphic, and he
5 specifies that this is "For CMP, not" -- in all
6 caps -- "for AUL"; do you see that?

7 A. I do, yes.

8 Q. At this period of time, July 16, 2015, post
9 release -- video release, were you working -- were
10 you also -- were you creating social media content
11 for both CMP and AUL regarding the videos?

12 A. Yes.

13 Q. And why did Mr. Daleiden -- do you know why
14 Mr. Daleiden would specify who the graphic was for,
15 which organization the graphic was for?

16 A. That would be something he would have to
17 tell you.

18 Q. Did you ever create one graphic but put two
19 different logos on -- put two logos on it so that
20 both parties, CMP and AUL, could send it out as its
21 own -- as its own?

22 A. Well, there seems to be two questions
23 there. Could you help me out by re- -- restating
24 that?

25 Q. When you created graphics for CMP to post

1 ANDREW MOORE

2 have any conversations with people in your life who

3 asked you if they could donate to CMP?

4 A. I'm not sure which videos you're referring

5 to.

6 Q. Any -- any of the videos released after

7 July 14th.

8 A. And your question on that one was?

9 MS. MARTIN: Can you read back my question.

10 (Record read as requested.)

11 BY THE WITNESS:

12 A. I don't recall any such conversations.

13 Q. In any time prior to the video release, so

14 any time prior to July 14th, 2015, did you have any

15 conversations in which you asked people to donate to

16 CMP?

17 A. Not that I recall.

18 Q. In the period prior to July 14, 2014 did

19 you send any e-mails to people that you know asking

20 them to donate to CMP?

21 A. Not that I can recall.

22 Q. Do you know -- sorry. Do you know what the

23 Human Capital Project is?

24 A. Yes.

25 Q. What is the Human Capital Project?

1 ANDREW MOORE

2 A. It's the project conducted by The Center
3 for Medical Progress to document the injustice being
4 perpetrated by Planned Parenthood.

5 Q. Was the Human Capital Project just one of
6 CMP's projects?

7 A. Yes, it was one of CMP's projects.

8 Q. Do you know when planning for the Human
9 Capital Project began?

10 A. No.

11 Q. Do you know who came up with the idea for
12 the project?

13 A. No.

14 Q. Were you involved in the Human Capital
15 Project?

16 A. Yes.

17 Q. And what was your involvement?

18 A. Helping to create the Web page that talked
19 about the Human Capital Project.

20 Q. And when you refer to that Web page, do you
21 mean the CMP Website?

22 A. Yes.

23 Q. Did you post to the CMP Website information
24 related to the Human Capital Project?

25 A. Yes.

1 ANDREW MOORE

2 A. Which videos specifically?

3 Q. The Human Capital Project videos.

4 MS. HARLE: Objection, lacks foundation,
5 overbroad.

6 BY THE WITNESS:

7 A. Yeah. I'm not sure exactly which videos
8 you're referring to.

9 Q. Okay. I understand there's a series of
10 these videos. Generally do you know what -- do you
11 know what the general content of these videos
12 included?

13 A. Footage of people involved in the abortion
14 industry discussing the injustice that they were
15 carrying out.

16 Q. So by "footage" would that include
17 conversations with abortion providers, conversations
18 between David Daleiden and abortion providers?

19 A. Yes.

20 Q. Would it include conversations between
21 other CMP employees and abortion providers?

22 A. I'm not sure.

23 Q. Would it include conversations between
24 David Daleiden and Planned Parenthood employees and
25 staff who are not abortion providers?

1 ANDREW MOORE

2 MS. HARLE: Objection, lacks foundation. I
3 don't think you've even established which videos
4 he's seen or that he's seen videos. Without showing
5 him any, it seems pretty vague.

6 BY THE WITNESS:

7 A. Yes.

8 Q. Would -- oh, along with the videos that
9 were posted, the Human Capital Project videos, were
10 there press releases that went along with those
11 videos?

12 A. Yes.

13 Q. Were you involved with drafting those press
14 releases?

15 A. Not that I recall.

16 Q. Were you involved in uploading those -- or
17 posting those press releases to CMP's Website?

18 A. Sometimes.

19 MS. MARTIN: So I think this might be a
20 good time to take lunch.

21 THE VIDEOGRAPHER: We are going off the
22 record at 1:04.

23 (Whereupon, at 1:04 p.m., the
24 deposition was recessed, to
25 reconvene at 2:00 p.m., this

1 ANDREW MOORE

2 anti-abortion activists held by Planned Parenthood,
3 would you expect that you could walk up and attend a
4 conference?

5 MS. HARLE: Objection, lacks foundation,
6 speculation, incomplete hypothetical.

7 BY THE WITNESS:

8 A. It really is not up to me whether they
9 would allow me to attend or not. So I can't speak
10 to that.

11 Q. I think a few minutes ago you said you
12 weren't sure if David Daleiden needed to use a
13 different name. Do you think -- do you know why he
14 chose to use a different name?

15 A. Yes.

16 Q. Why did he choose to use a different name?

17 A. Because he didn't want to use the name
18 David Daleiden.

19 Q. And why didn't he want to use the name
20 David Daleiden?

21 MS. HARLE: Objection, speculation.

22 BY THE WITNESS:

23 A. I'm not sure why he wanted to make that
24 decision.

25 Q. Did you have any -- have you had any

1 ANDREW MOORE

2 BY THE WITNESS:

3 A. Yeah. I don't have knowledge either way on
4 that matter.

5 Q. Did you have any conversations with
6 Mr. Daleiden or other CMP employees about whether
7 they told Planned Parenthood employees they were
8 wearing cameras?

9 A. Not that I can recall.

10 Q. Did Mr. Daleiden consult with you in --
11 sorry. At any period in time before July 14, 2015
12 did Mr. Daleiden consult with you regarding video
13 editing?

14 A. Yes.

15 Q. As part of that consultation did he ask for
16 your advice?

17 A. Yes.

18 Q. Did you give him advice?

19 A. Yes.

20 Q. And was that -- did he ask for any feedback
21 on the content of the videos?

22 A. Yes.

23 Q. And did you provide that feedback on the
24 content of the videos?

25 A. On certain of the videos, yes.

1 ANDREW MOORE

2 So I believe you stated that you didn't
3 upload anything but you posted videos to the CMP
4 Website; is that correct?

5 A. I don't believe I said I didn't upload
6 anything.

7 Q. Okay. A few minutes ago I think you did
8 say that you posted videos to the CMP Website; is
9 that correct?

10 A. Oh, yes.

11 Q. Okay. The videos that you posted, would
12 they -- would they be linked to YouTube?

13 A. In some cases, yes.

14 Q. On the Website would you then see a --
15 the -- a picture -- sorry -- a picture of the video
16 with a -- with the red YouTube arrow in the middle?

17 A. In some cases, yes.

18 Q. Okay. Do you -- do you rem- -- do you
19 recall any instances where you up- -- where you
20 posted video that wasn't a YouTube link, posted
21 video to the CMP Website that wasn't a YouTube link?

22 A. I don't recall such instances, no.

23 Q. Okay.

24 Prior to July 14, 2015 when the first video
25 was posted to CMP's Website, did Mr. Daleiden send

1 ANDREW MOORE

2 you any previews of videos?

3 A. Yes.

4 Q. When Mr. Daleiden provided you previews of
5 the videos, did he ask for your comment or feedback
6 on those videos?

7 A. In some cases, yes.

8 (Moore Exhibit 286 was marked
9 as requested.)

10 BY MS. MARTIN:

11 Q. So I'm handing you what's marked as Moore
12 Exhibit 286.

13 A. Thank you.

14 Q. And for the record, this is a one-page
15 e-mail, CM-03816. This appears to be an e-mail
16 chain between you and Mr. Daleiden dated May 19th
17 and May 20th, 2015; is that --

18 A. Mine says CM-03817.

19 Q. I'm sorry. Did I say the number
20 backward -- the number wrong?

21 A. I heard 6.

22 Q. I apologize. It's CM-03817.

23 A. Okay.

24 Q. I apologize. Again, this looks to be a
25 document -- an e-mail chain between you and

1 ANDREW MOORE

2 Mr. Daleiden dated May 19th and May 20th, 2015; is
3 that correct?

4 A. Yes.

5 Q. Have you seen this document before?

6 A. Yes.

7 Q. Okay. So on May 19th Mr. Daleiden sent an
8 e-mail that said "This is a rough draft of episode 1
9 of the Human Capital Web series documentary"; do you
10 see that?

11 A. Yes, I do.

12 Q. And then at the end he asks you for
13 thoughts. You respond with "Hi David. Some
14 thoughts." Is it fair to say that these are your
15 thoughts about the videos that he linked to you
16 below?

17 A. That's correct.

18 Q. Okay.

19 So if you look at your response, your first
20 bullet point says in quotes "Real life? What about
21 'current widespread practices' or something? Real
22 life to me makes it seem like you're suggesting that
23 people may think that this is not real life, i.e. a
24 hoax, and why even put that idea in their head.
25 This is a minor point, perhaps pedantic."

1 ANDREW MOORE

2 Were you concerned that people wouldn't
3 believe the claims CMP was making unless the videos
4 were presented in a specific way?

5 A. I'm not sure which claims you're referring
6 to.

7 Q. Okay. Would you -- were you concerned that
8 people wouldn't believe the entire content of the
9 CMP videos unless the videos were presented in a
10 specific way?

11 MS. HARLE: Objection, vague.

12 BY THE WITNESS:

13 A. Yeah. It's hard for me to know how other
14 people would take this information.

15 Q. Okay. Well, why were -- why did -- why --
16 sorry. Why did you seem to be concerned that people
17 would think this was a hoax?

18 MS. HARLE: Objection, misstates the
19 document.

20 BY THE WITNESS:

21 A. I don't recall why I wrote that.

22 Q. So moving down underneath the bullet points
23 you say "Damn, this whole product is so" -- "so" in
24 all caps -- "strong. The high number of
25 conspirators adds so much credibility, so much

1 ANDREW MOORE

2 A. Yes.

3 Q. Okay. Was it -- is it your understanding
4 that this 10 or 11 minutes was the first 10 or 11
5 minutes of the video that Mr. Daleiden took as part
6 of the Human Capital Project?

7 A. No.

8 Q. Was this 10 or 11 minutes that you looked
9 at from other parts of the longer video?

10 MS. HARLE: Objection, vague, lacks
11 foundation, speculation.

12 BY THE WITNESS:

13 A. Yeah. I don't fully understand that
14 question.

15 Q. Okay. Will you agree, though, that
16 according to this e-mail you saw somewhere between
17 10 and 11 minutes of video?

18 A. Yes, I agree.

19 Q. And your comment about "this whole product"
20 is only referring to those 10 or 11 minutes of
21 video, correct?

22 A. Yes, I believe so.

23 (Moore Exhibit 287 was marked
24 as requested.)

25 BY MS. MARTIN:

1 ANDREW MOORE

2 Q. I'm going to hand you what is marked 287.

3 THE REPORTER: I'm sorry?

4 MS. MARTIN: 287.

5 BY MS. MARTIN:

6 Q. This is a one-page document Bates

7 No. CM-02700. Have you seen this document before?

8 A. Yes. Yes, I have.

9 Q. And this appears to be an e-mail chain

10 between you and David Daleiden dated May 24, 2015,

11 correct?

12 A. Correct. Yeah.

13 Q. And the subject line is "Re: StemExpress

14 convo snippet," correct?

15 A. Correct.

16 Q. What is your understanding of a snippet?

17 A. A portion of a whole.

18 Q. Okay. So did Mr. Daleiden often send you

19 snippets of videos?

20 MS. HARLE: Objection, vague as to time.

21 BY THE WITNESS:

22 A. I don't know. I'd have to define "often"

23 before I could respond.

24 Q. In the period of time from early 2015

25 through the release of the first video in July --

1 ANDREW MOORE

2 July 14, 2015 would Mr. Daleiden send you snippets
3 of video?

4 A. Yes.

5 Q. And your understanding is that a snippet is
6 a portion of a -- is part of -- sorry -- is from a
7 larger portion, it's just a small part of a larger
8 portion?

9 A. Correct. Yes.

10 Q. Okay. So when Mr. Daleiden would send you
11 snippets, he would not be sending you the full
12 video, he would be sending you just a portion of the
13 video?

14 A. You're referring --

15 Q. And by -- and by "full" -- I'll clarify --

16 A. Sorry.

17 Q. -- what I mean by "full video." That he is
18 not sending you the 500 hours of raw footage, he is
19 sending you a portion of that video.

20 MS. HARLE: Objection, assumes facts.

21 There's been -- no one's established the total
22 amount of video footage.

23 BY THE WITNESS:

24 A. I don't understand this document refers to
25 video. So I don't know if your comment is regarding

1 ANDREW MOORE

2 this document or -- your question rather.

3 Q. Okay. Sorry. So in this -- in this e-mail
4 Mr. Daleiden sends you what appears to be the
5 transcription of a conversation, correct?

6 A. Yeah. Correct. Yes.

7 Q. Okay. And you respond "Powerful stuff. I
8 can't even imagine what it must be like to be in a
9 room with these monsters"; is that correct?

10 A. That's correct.

11 Q. Okay. Was it your understanding that this
12 conversation snippet -- that this conversation
13 snippet was from one of the videos that Mr. Daleiden
14 obtained during the Human Capital Project?

15 A. Yes.

16 Q. And was it -- is it -- sorry. Okay. And
17 does this convo snippet appear to be part of a
18 larger, longer conversation?

19 MS. HARLE: Objection, speculation.

20 BY THE WITNESS:

21 A. There's really no way for me to know
22 looking at just this section here.

23 Q. Okay. Again, going back to your definition
24 of snippet, that it's part of a larger, is that --
25 that's what you said that snippet means, correct?

1 ANDREW MOORE

2 A. Yes.

3 Q. So if Mr. Daleiden called this a convo
4 snippet, was it your assumption this was just part
5 of the conversation?

6 A. It's my understanding that it's part of a
7 piece of video footage, but I couldn't answer with
8 regards to whether it was a portion of just one
9 conversation.

10 Q. Okay. And did you -- did you ever see the
11 video that went along with this snippet, this
12 transcribed snippet?

13 A. I believe so, yes.

14 Q. Okay. Did you ever see the full video that
15 went along with the conversation -- the whole
16 conversation that the snippet is part of?

17 A. I can't recall.

18 Q. So reading this snippet without any video
19 to go along with it, you would not be aware of what
20 else was said as part of a larger conversation,
21 correct?

22 A. Well, that assumes there was more of this
23 conversation not included here, and I don't know
24 that. So...

25 Q. So your comment about "being in the room

1 ANDREW MOORE

2 with these monsters," is that based on only what
3 you're read on this page?

4 A. No.

5 Q. What was that comment from? Sorry. What
6 did you mean, then, by "these monsters"?

7 A. That the conversation here is monstrous.

8 Q. Okay. The conversation is monstrous.
9 Okay.

10 On July 14, 2015 did you post a video to
11 the CMP Website that was created by David Daleiden?

12 MS. HARLE: I'm sorry. I missed -- I
13 missed the date on the --

14 MS. MARTIN: July 14, 2015.

15 MS. HARLE: On that date?

16 MS. MARTIN: Yeah.

17 BY THE WITNESS:

18 A. I don't recall.

19 Q. As -- I guess a more general question. Do
20 you remember any of the dates that you posted video
21 on CMP's Website?

22 A. No, I don't.

23 Q. All right. So you're not -- at this moment
24 you can't recall if you were the person that posted
25 the video on July 14th?

1 ANDREW MOORE

2 A. I don't recall.

3 Q. Do you recall if anyone besides David
4 Daleiden ever provided --

5 A. I don't recall that either.

6 (Moore Exhibit 288 was marked
7 as requested.)

8 BY MS. MARTIN:

9 Q. So I'm going to hand you what's marked as
10 Moore 288.

11 THE REPORTER: I'm sorry?

12 MS. MARTIN: Moore 288.

13 BY MS. MARTIN:

14 Q. This is a one-page e-mail with the Bates
15 stamp CM-05456. Have you seen this e-mail before?

16 A. Yes.

17 Q. Okay. This appears to be an e-mail chain
18 between you and Mr. Daleiden dated July 13, 2015; is
19 that correct?

20 A. Correct.

21 Q. And the subject line is "Re: Final video"?

22 A. Yes.

23 Q. On July 13, 2015 at 10:05 p.m. Mr. Daleiden
24 sent you a YouTube link; is that correct?

25 MS. HARLE: Objection. I just want to note

1 ANDREW MOORE

2 that the time stamps appear to be off here. I don't
3 know if it's a time difference or what, but I
4 wouldn't want him to testify to something that, you
5 know, we're not sure about the accuracy of that.

6 BY MS. MARTIN:

7 Q. Okay. I'll take the time stamp out of
8 that, but on Monday, July 13, 2015 it appears
9 Mr. Daleiden sent you a YouTube link, correct?

10 A. Correct. Yes.

11 Q. And it appears the subject line is "Final
12 video," correct?

13 A. Correct.

14 Q. At that time was it your understanding
15 that this was the final video that you were going to
16 post to the CMP Website?

17 A. It's so long ago that I don't -- I couldn't
18 tell you with certainty what -- what the desire was
19 there.

20 Q. Okay. Was Mr. Daleiden in the habit of
21 calling things final videos that were not final?

22 MS. HARLE: Objection, vague, speculation.

23 BY THE WITNESS:

24 A. Not that I'm aware of, no.

25 Q. Okay. In response to Mr. Daleiden's link,

1 ANDREW MOORE

2 you responded by asking "Are people going to be
3 clear that the footage at the beginning of the video
4 is archival in nature? I assume so, but just
5 wondering," ellipses, and Mr. Daleiden responded
6 back "Does it matter," smiley face"; do you see
7 that?

8 A. I do.

9 Q. Okay. And you responded to Mr. Daleiden
10 with "Not terribly, LOL"; do you see that?

11 A. Yes.

12 Q. What did you mean by that? What did you
13 mean when you told Mr. Daleiden that it didn't
14 matter if people were going to be clear that the
15 footage was archival in nature?

16 MS. HARLE: Misstates the document.

17 BY THE WITNESS:

18 A. It would have been a preference I had, but
19 not a very strongly held preference, which is why I
20 would have said that it didn't matter terribly.

21 Q. Sorry. A preference -- what do you mean by
22 preference?

23 A. A preference about the nature of the
24 beginning of the video.

25 Q. So were you concerned that people wouldn't

1 ANDREW MOORE

2 was one that I used.

3 Q. All right.

4 Are you aware of whether the CMP videos
5 posted in the summer of 2015 had -- one, had a
6 consistent theme?

7 MS. HARLE: Objection, vague.

8 BY THE WITNESS:

9 A. The only consistent theme I'm aware of is
10 that there were individuals involved in the abortion
11 industry who were discussing the acts of injustice
12 that they were perpetrating.

13 Q. And in this instance related to the videos,
14 what do you mean by "the acts of injustice that they
15 were perpetrating"?

16 A. Well, whether it was killing small people
17 who had no ability to fight back or raise a voice in
18 protest or whether it was selling the broken bodies
19 of those people they killed or whether it was the
20 tone and the attitude they had towards their
21 activities, that's some of the examples of their
22 perpetrating of injustice.

23 Q. I believe one of the -- one of those
24 injustices that you just named involved selling and
25 Planned Parenthood's supposed sale of fetal tissue

1 ANDREW MOORE

2 was a theme of the videos posted on the CMP Website

3 in the summer of 2015, correct?

4 A. Correct.

5 Q. Are you aware of whether these -- the

6 videos that were posted on the CMP Website during

7 the summer of 2015 caused public outrage against

8 Planned Parenthood?

9 MS. HARLE: Objection, vague, calls for

10 speculation.

11 BY THE WITNESS:

12 A. I don't believe it would be fair to say the

13 videos caused the outrage, but rather the words

14 spoken by the abortion industry personnel.

15 Q. Was it your intention that the videos

16 should cause outrage?

17 A. No.

18 Q. Was it CMP's intention that the videos

19 would cause outrage?

20 MS. HARLE: Objection, speculation.

21 MR. MONAGHAN: Objection, speculation.

22 BY THE WITNESS:

23 A. I don't know that to be a fact.

24 Q. Okay. Did you ever have any conversations

25 with Mr. Daleiden about his intentions for the

1 ANDREW MOORE

2 video?

3 A. Yes.

4 Q. And what were Mr. Daleiden's intentions?

5 A. One of the stated intentions was to allow
6 the American people to get an inside look at the
7 truth of what the abortion industry was involved in.

8 Q. And once the American people saw this, what
9 did Mr. -- what did Mr. Daleiden tell you that he
10 wanted to happen?

11 A. I don't recall him telling me what he
12 wanted to happen.

13 Q. What did you personally want to happen once
14 the American people saw these videos?

15 A. I wanted them to respond in the way they
16 would respond to any evidence of injustice committed
17 against fellow humans.

18 (Moore Exhibit 289 was marked
19 as requested.)

20 BY MS. MARTIN:

21 Q. I'm going to give you what's marked as
22 Moore 289.

23 A. Thank you.

24 Q. Okay. So this is a one-page e-mail with
25 the Bates No. CM-03937. Have you seen this document

1 ANDREW MOORE

2 before?

3 A. I have, yes.

4 Q. For the record, this appears to be an

5 e-mail chain. The first in time e-mail is dated

6 May 1st and it's between David Daleiden and Ryan

7 Gonzalez, and the rest of the e-mail chain is dated

8 May 2nd between yourself and David Daleiden; is that

9 correct?

10 A. Correct. Yes.

11 Q. And the subject is "Re: Deb on Vimeo." Do

12 you know what that subject line refers to?

13 A. I believe so, yes.

14 Q. Okay. And what does that -- what is your

15 understanding of what that refers to?

16 A. It refers to footage of someone named Deb

17 on Vimeo.

18 Q. Do you know who Deb is?

19 A. Yes.

20 Q. And who's Deb?

21 A. An abortionist.

22 Q. Do you know her last name?

23 A. Yes.

24 Q. What's her last name?

25 A. Nucatola.

1 ANDREW MOORE

2 Q. And so your understanding is that this was

3 a -- sorry. What is Vimeo?

4 A. It's a video platform similar to YouTube.

5 Q. Okay. Are you able to post videos to Vimeo

6 that are private?

7 A. Yes.

8 Q. Did -- are you aware of whether Ryan

9 Gonzalez used Vimeo to post private videos in May of

10 2015?

11 A. I don't know who posted the videos.

12 Q. Are you aware of whether CMP or

13 Mr. Daleiden used Vimeo as the -- as a way to send

14 drafts of their vid- -- of the videos back and

15 forth?

16 A. I believe so, yes.

17 Q. Okay. So Mr. Gonzalez provided

18 Mr. Daleiden with this -- this video, and

19 Mr. Daleiden forwarded it to you saying "New draft,

20 thoughts."

21 MS. HARLE: Objection, assumes facts.

22 BY MS. MARTIN:

23 Q. So you see Mr. Daleiden's e-mail on May 2nd

24 saying "New drafts, thoughts"?

25 A. Correct.

1 ANDREW MOORE

2 Q. And above that there's a response from you
3 that says "I think this looks awesome." Would you
4 agree that your response is to Mr. Daleiden's
5 e-mail?

6 A. It's not immediately clear from this
7 document.

8 Q. Okay. In the second e-mail from the top
9 Mr. Daleiden says "I'm actually really dissatisfied
10 with this version compared to the previous one. I
11 think we need to make it shorter, but I'm worried
12 that this video gets really bogged down in the
13 middle during her lengthy and technical description
14 of the abortion technique." Do you see that?

15 A. Yes.

16 Q. Okay. And your response to Mr. Daleiden
17 says "Well, yes, if I had one critique it would be
18 length. Could you do a shorter version that is more
19 digestible and then a more thorough academic legal
20 version"; do you see that?

21 A. Yes, I do.

22 Q. And you continue "You don't want
23 potentially angry/upset people not" -- with "not"
24 being in all caps -- "becoming angry/upset thus
25 stigmatizing the industry because the video length

1 ANDREW MOORE

2 caused them to keep scrolling"; do you see that?

3 A. I do.

4 Q. From your experience with social media and
5 Web communication, do people often -- sorry. From
6 your experience with social media and Internet, do
7 people seem to have limited attention spans?

8 A. Yes.

9 Q. And you wanted to make sure that the video
10 length would cause people to watch the video,
11 correct?

12 A. That's not something I had stated.

13 Q. But you state that "you don't want
14 potentially angry/upset people not becoming
15 angry/upset thus stigmatizing the industry because
16 the video length would cause them to keep
17 scrolling." Were you worried that a long video
18 would keep people -- stop people from watching the
19 video or cause people to scroll past the video
20 because it was too long?

21 MR. LANGDON: Objection, vague.

22 BY MR. MARTIN:

23 Q. So you were concerned that the video be --
24 your concern was that you wanted the video to be a
25 length that would cause people to actually want to

1 ANDREW MOORE

2 watch, correct?

3 A. That's not -- I don't believe that's an
4 accurate representation of my opinion here.

5 Q. Okay. So what is your opinion here? What
6 were you saying to Mr. Daleiden about your -- what
7 was your critique about the length?

8 A. That if the video was unnecessarily long
9 people watching the video would be consuming less --
10 more information that was incidental than they
11 needed to, and therefore they would not be consuming
12 the information that was most newsworthy.

13 Q. And -- but you say in the video, though,
14 that you're -- that -- that you don't want people --
15 you don't want the length to cause them to keep
16 scrolling. What do you mean by "keep scrolling"?

17 A. That if someone was scrolling through
18 Facebook and they saw a video that was 30 minutes
19 versus a video that was 30 seconds, they would be
20 more likely to become engaged with the shorter
21 video.

22 Q. All right. So, again, your concern was
23 that the video be a length that would cause people
24 to want to stop and watch it, correct?

25 A. I wouldn't say that that caused them to

1 ANDREW MOORE

2 stop and watch it.

3 Q. Okay. Because your -- because if people
4 didn't watch, they wouldn't get angry or upset at
5 the content, correct?

6 A. Correct. Yes.

7 Q. Because you can't get angry or upset at
8 something you don't watch?

9 MS. HARLE: Objection, vague, incomplete
10 hypothetical, calls for speculation.

11 BY THE WITNESS:

12 A. If people are not presented with the full
13 extent of the injustice being perpetrated by Planned
14 Parenthood, then they won't have the information
15 available to them to have a proportionate response.

16 Q. And when you say "the full extent," how
17 would people be presented with the full extent if
18 the video was short?

19 A. Because if there's incidental footage, for
20 instance, walking down a hallway or something like
21 that, that doesn't really contribute much to the
22 conversation or to people's understanding. So...

23 Q. And would you -- would you consider that
24 type of footage, somebody walking down a hallway, to
25 be something that would be included on the more

1 ANDREW MOORE

2 more medical terminology that wouldn't be beneficial

3 to nonmedical people. Is that -- am I

4 misunderstanding what you said?

5 A. No. No.

6 Q. Okay.

7 Now, you state "Could you do a shorter

8 version that is more digestible and then a more

9 thorough academic, legal version?" A shorter

10 version that is more digestible would not include

11 all footage that was used in a more thorough

12 academic, legal version, correct?

13 A. Correct.

14 Q. So a shorter version would by the nature of

15 being shorter include some editing, correct?

16 A. Correct.

17 Q. And who was in charge of making the

18 decisions about the editing included in the -- in

19 the videos?

20 A. I'm not sure.

21 Q. So a shorter version that is more

22 digestible, would that be something that people

23 would be more apt to not scroll past because it was

24 shorter?

25 MS. HARLE: Objection, calls for

1 ANDREW MOORE

2 speculation.

3 BY THE WITNESS:

4 A. I believe so.

5 Q. Okay. And your language -- your statement
6 here that you don't want potentially angry/upset
7 people not becoming angry/upset, does that mean that
8 you expected people watching these videos to become
9 angry and upset?

10 MS. HARLE: Misstates the document.

11 BY THE WITNESS:

12 A. That's not something I said.

13 Q. Okay. Well, what did you mean here when
14 you said you don't want potentially angry/upset
15 people not becoming angry/upset?

16 A. My point there was that if people see and
17 they're able to digest and consume the information,
18 they're more likely to become upset than if they had
19 not consumed the information.

20 Q. Okay. And the content on -- the content of
21 the video would cause people to become angry and
22 upset?

23 A. I don't -- it's hard for me to say what
24 exactly would cause people to become upset.

25 Q. Did you intend for people to become angry

1 ANDREW MOORE

2 So I wouldn't know if it had all been posted to the
3 CMP Website.

4 Q. But you were never tasked with putting all
5 the raw footage up on the CMP Website, you
6 personally, correct?

7 A. No.

8 Q. Do you know where all of the raw footage
9 was stored during the period of time prior to the
10 first video release?

11 MS. HARLE: Objection, assumes facts,
12 speculation.

13 BY THE WITNESS:

14 A. I don't know where it was all stored.

15 Q. Did you post video -- the CMP videos
16 directly to any other social media platform?

17 A. Yes.

18 Q. Which platforms?

19 A. Twitter and Facebook.

20 Q. And on Twitter and Facebook were you using
21 the CMP Twitter handle and the CMP Facebook page?

22 A. I don't recall if I did that using the CMP
23 social media accounts.

24 Q. Did you -- did you post any of the CMP
25 videos on your -- or links to the CMP videos on your

1 ANDREW MOORE

2 personal Facebook page?

3 A. Yes.

4 Q. Did you post any of the links to the CMP

5 videos on your personal Twitter?

6 A. Yes.

7 Q. Did you post links to the CMP videos using

8 the AUL Twitter handle?

9 A. Yes.

10 Q. Did you post links to the CMP videos using

11 the AUL -- on the AUL Facebook page?

12 A. Yes.

13 Q. Did you post links to the CMP videos using

14 any other organization's Twitter handle?

15 A. I don't recall.

16 Q. Using any other organization's Facebook --

17 on any other organization's Facebook page?

18 A. I don't recall specifics on that.

19 Q. Were you involved in any of the decisions

20 about when to publish or post the videos?

21 A. I don't recall.

22 MS. HARLE: At some point maybe in the next

23 15 minutes or so --

24 THE WITNESS: I was just thinking --

25 MS. HARLE: -- if we could take a break.

1 ANDREW MOORE

2 A. Yes.

3 Q. What are those?

4 A. A family in Nazi Germany who would shelter
5 Jews and tell the Nazi officials that they were not
6 harboring Jews I believe would be a justified
7 instance of lying.

8 (Moore Exhibit 291 was marked
9 as requested.)

10 BY MS. MARTIN:

11 Q. I'm going to give you what's marked as
12 Moore 291.

13 A. Thank you.

14 Q. Do you -- do you rec- -- sorry. Do you
15 recognize the document that I've put in front of
16 you?

17 A. No.

18 Q. Do you recognize parts of the document that
19 I've put in front of you?

20 A. Yes.

21 Q. I'll just state for the record that this
22 exhibit is some excerpts from Mr. Moore's Twitter
23 page, personal Twitter page.

24 Are you the only person that posts to your
25 personal Twitter handle? I guess, actually, let me

1 ANDREW MOORE

2 back up for one second. Is @thirtyone_8 your
3 personal Twitter handle?

4 A. It is, yes.

5 Q. And are you the only person that posts from
6 this Twitter handle?

7 A. I'm the only person that posts to that
8 Twitter handle.

9 Q. Okay. Just to clarify, is there anyone
10 else or any organization that posts from this
11 Twitter handle?

12 A. There may be bots that tweet from that
13 handle.

14 THE REPORTER: I'm sorry. I can't hear
15 you.

16 THE WITNESS: I was saying there may be
17 bots that tweet from that handle.

18 BY MS. MARTIN:

19 Q. Can you take a --

20 A. Programs.

21 Q. Can you take a minute and just look through
22 these few pages and let me know if you think -- if
23 any of those tweets may have come from a bot?

24 A. The tweet on the 28th of July 2015 is quite
25 something. Yeah. They all look like they're from

1 ANDREW MOORE

2 me. I never thought my 3-year-old would learn that
3 phrase, but there you go.

4 Q. So I right now am -- I'm going to point you
5 to on page 2 of 4 there is a tweet from
6 September 4th, 2015; do you see that?

7 A. Yes.

8 Q. Can you read that tweet?

9 A. Yes.

10 Q. Sorry. Can you read it out loud for the
11 record.

12 A. Yes. "This is a war and in any war you
13 have to employ the tactics of war, including
14 spying," and it's "@fatherfrankpavone,
15 #HIDDENHARVEST #PPSELLSBABYPARTS."

16 Q. And directly above that you see a meme with
17 that -- that statement, correct?

18 A. Correct.

19 Q. What do you mean when you say "This is a
20 war"? What did you mean when you said "This is a
21 war"?

22 A. I mean this is a war.

23 Q. What -- what is -- what do you mean by
24 "this"?

25 A. Fair enough. The work of ending abortion

1 ANDREW MOORE

2 is a war.

3 Q. And it goes on to say "In any war you have

4 to employ the tactics of war, including spying."

5 Would you include wearing concealed video cameras to

6 be spying?

7 MR. LANGDON: Objection, vague.

8 BY THE WITNESS:

9 A. Not necessarily.

10 Q. Would you -- when would that not be spying?

11 MS. HARLE: Objection, vague, overbroad.

12 BY THE WITNESS:

13 A. If they were not switched on.

14 Q. Fair. Would you consider wearing concealed

15 video cameras that were actively recording to be

16 spying?

17 A. Not necessarily.

18 Q. And why would that not necessarily be

19 spying?

20 A. Because someone may be in the privacy of

21 their own home.

22 Q. Would you consider someone wearing a hidden

23 video camera that is actively recording at a

24 public -- no. Would you consider anyone -- someone

25 wearing a hidden video camera that was actively

1 ANDREW MOORE

2 recording at an industry conference to be spying?

3 A. Not necessarily.

4 Q. And why not necessarily?

5 A. Because it depends -- depends how you
6 define spying.

7 Q. Okay. What is your definition of spying?

8 A. I haven't really given that much thought,
9 to be honest.

10 Q. If -- if you had to give spying a
11 definition right now, what would it be?

12 A. I would think of the spies, I don't know,
13 from the World War II era perhaps who were secret
14 agents, you know, who were a part of a government
15 operation.

16 Q. Okay.

17 A. That would be generally the way I would
18 consider a spy.

19 Q. Okay. So your definition of spying would
20 only include government actors --

21 MS. HARLE: Objection, misstates his
22 testimony.

23 MS. MARTIN: I was going to finish the
24 question.

25 BY MS. MARTIN:

1 ANDREW MOORE

2 would be great.

3 MS. HARLE: These aren't his words. This
4 is a quote from someone else. So...

5 BY MS. MARTIN:

6 Q. But he -- you typed this quote in your --
7 and put it publicly on your Twitter page, correct?

8 A. Correct.

9 Q. Why did you use this quote?

10 A. Because I agree with the quote.

11 Q. And what part of this quote do you agree
12 with?

13 A. All of it.

14 Q. Okay. So when you tweeted this, what did
15 you mean by "including spying"?

16 A. Well, as I mentioned before, I haven't
17 spent a whole lot of time thinking about the exact
18 definition of spying, but that if I did think about
19 it I would think of, you know, a war-time spy with a
20 mandate from the military generally. That would be
21 the first thing that would come to mind.

22 Q. Okay. Are you aware of any mandate from
23 the military that Mr. Daleiden had -- has or had?

24 A. No.

25 Q. Okay. So when you said that this quote is

1 ANDREW MOORE

2 talking about this is war, meaning trying to end
3 abortion, what -- what spying would be used to help
4 end abortion?

5 MS. HARLE: Objection, speculation, vague.

6 BY THE WITNESS:

7 A. Well, I'm sure there's many kinds of spying
8 that could be employed.

9 Q. And what type of spying could be employed?

10 A. I haven't given it a whole lot of thought.
11 So I don't really have an opinion on specifically
12 what kind of spying could be employed.

13 Q. Does spying include an element of lying?

14 MS. HARLE: Objection, vague, speculation,
15 incomplete hypothetical.

16 BY THE WITNESS:

17 A. It -- not necessarily.

18 Q. Could spying include wearing a hidden video
19 camera that is actively recording in a place where
20 no one else knows you're wearing the video camera?

21 A. Spying could include that.

22 Q. So -- sorry. So by wearing a hidden camera
23 that's actively recording in a place where no one
24 else knew that there was a camera, was Mr. Daleiden
25 doing some form of spying?

1 ANDREW MOORE

2 A. I don't know with certainty who he's
3 referring to or what he's referring to as having an
4 empire.

5 Q. For you personally was releasing these
6 videos about getting Planned Parenthood defunded?

7 MS. HARLE: Objection, vague, asked and
8 answered.

9 MR. LANGDON: And lacks foundation.

10 BY THE WITNESS:

11 A. So I'm clear, what do you mean when you say
12 for you personally what was the purpose of these
13 videos? Are you asking me to project what others
14 wanted to happen as a result --

15 Q. No. I'm saying what did you want -- is one
16 of the things from the videos that you wanted to
17 happen was for Planned Parenthood to end up
18 defunded?

19 MS. HARLE: Asked and answered.

20 BY THE WITNESS:

21 A. My desire for the videos was for the
22 American people to learn the truth about the abuses
23 carried out by Planned Parenthood, and then let the
24 people decide what -- what should be done.

25 Q. What was the public reaction to the videos?

1 ANDREW MOORE

2 Q. All right. But you attended the rally that
3 was in 297?

4 A. Correct.

5 Q. Okay.

6 A. Yes. Yes.

7 Q. Okay.

8 On -- and on August 22nd, 2015 it seems
9 that there were multiple #PROTESTPP rallies across
10 the country, correct?

11 A. Yes. Correct.

12 Q. Okay. Okay. What was your reaction to
13 seeing people come out for these rallies?

14 A. I was glad that people were participating
15 in the democratic process.

16 Q. Did people at these rallies -- at the rally
17 that you attended seem to be angry?

18 MS. HARLE: Objection, speculation.

19 BY THE WITNESS:

20 A. I couldn't speak for all of them.

21 Q. Did you speak to people at the rally who
22 you did not come to the rally with?

23 A. Yes.

24 Q. Okay. Did any of the people that you spoke
25 to mention that they were angry at Planned

1 ANDREW MOORE

2 Q. Did any of those people make reference to
3 the fact that they were angry about the videos?

4 MS. HARLE: Asked and answered.

5 BY THE WITNESS:

6 A. I don't recall people stating to me that
7 they were angry about the videos.

8 Q. Did any of the people communicating with
9 you after the release of the videos indicate that
10 they were planning to threaten anyone at Planned
11 Parenthood?

12 A. No.

13 Q. Did anyone who communicated with you
14 directly after the videos indicate that they wanted
15 to defund Planned Parenthood?

16 A. Would you mind repeating that last question
17 one more time?

18 Q. Did anyone who communicated to you after
19 the -- who communicated to you personally after the
20 videos were released indicate that they wanted to
21 defund Planned Parenthood?

22 A. Yes.

23 Q. Did anyone indicate -- did anyone who
24 communicated with you after the release of the
25 videos indicate that they wanted to put Planned

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

3 SAN FRANCISCO DIVISION

4
5 PLANNED PARENTHOOD FEDERATION)

6 OF AMERICA, INC., ET AL.,)

7)
8 PLAINTIFFS,)

9)
10 vs.) CASE NO. 3:16-CV-0236-WHO

11)
12 CENTER FOR MEDICAL PROGRESS,)

13)
14 ET AL.,)

15)
16 DEFENDANTS.)

17 DEPOSITION OF PHILLIP S. CRONIN

18 TUESDAY, MAY 28, 2019

19
20
21 REPORTED BY:

22 GINA M. CURRIE,

23 CSR NO. 8429

24 JOB NO. 3396297

25 PAGES 1 - 35

1 of Troy Newman with Mayall Hurley.

2 MR. DICKINSON: Did you get that, Gina?

3 THE COURT REPORTER: I'm going to need a
4 spelling.

5 I'm sorry? I didn't hear that.

6 MR. DICKINSON: Yeah, could the second counsel
7 state your appearance again, please.

8 MR. RHOMBERG: I'm not counsel, I'm one of the
9 defendants in the case, Albin Rhomberg.

10 MR. DICKINSON: Albin Rhomberg.

11 THE COURT REPORTER: I thought I heard an
12 attorney.

13 MR. DICKINSON: So we have two. Is there anybody
14 else on the phone?

15 PHILIP S. CRONIN,
16 having first been duly sworn, was examined and testified
17 as follows:

18 EXAMINATION

19 BY MS. BOMSE:

20 Q Good afternoon, Mr. Cronin.

21 I said it before, but let me just do it again
22 formally and on the record. My name is Amy Bomse. I'm a
23 lawyer representing the plaintiffs in this case who are
24 various Planned Parenthood entities.

25 Would you do me a favor and state and spell your

1 name for the record.

2 A Yes. My name is Phillip Steven Cronin. And
3 that's C-r-o-n-i-n, Phillip with two Ls.

4 Q Thank you. And, Mr. Cronin, I wonder if Counsel
5 could provide you with the notice of your deposition so we
6 can just have a look at that.

7 MR. DICKINSON: I'm an Indian giver.

8 MS. BOMSE: Madam Reporter, we are going to mark
9 that as the first exhibit in the deposition and it's going
10 to be Exhibit 580.

11 (Deposition Exhibit 580 was marked for
12 identification by the court reporter.)

13 Q BY MS. BOMSE: Mr. Cronin, if you would have a
14 look at Exhibit 580 and just tell me if you have seen it
15 before.

16 A I don't recall seeing this before.

17 Q That's fine.

18 Is it your understanding that you are appearing
19 for a deposition today pursuant to receiving a notice
20 asking you to so appear?

21 A Yes, I am aware of that.

22 Q Thank you.

23 Okay. Let me just go over a few deposition
24 basics. Have you had your deposition taken before ever?

25 A No, I have not.

1 are creating a written transcript, we need to follow a few
2 formalities that we don't in normal conversation.

3 I need to -- you need to wait until my question
4 is finished before you answer and you need to respond with
5 a verbal response; for example, a yes, a no, what have
6 you, rather than nodding your head.

7 Do you understand?

8 A I understand, yes.

9 Q Terrific. Thank you.

10 Mr. Cronin, is there any reason -- a medical
11 reason that you're not able to give me your best testimony
12 today?

13 A No.

14 Q Thank you.

15 All right. Are you currently working --

16 A No.

17 Q -- professionally?

18 A No, I'm retired.

19 Q Okay. And at some point you were a practicing
20 lawyer; is that right?

21 A Yes.

22 Q What was the area? What type of law did you
23 practice?

24 A Different areas of the law at different times.

25 From about 1973 to about 2003, I practiced mainly criminal

1 law as a prosecutor and as -- on the deputy district
2 attorney level San Mateo County, Tulare County, and also
3 as an assistant U.S. attorney in Fresno. And then the --
4 from about 2006 to about 2000 and -- I'm sorry, I'm
5 getting -- I meant to say from '92 to -- I'm getting a
6 little confused here. From '72 to about '92, criminal law
7 as a prosecutor, and then from '92 to 2004 I was county
8 counsel in Fresno, and from 2004 to 2010 I was -- I taught
9 at law school -- criminal law school.

10 Q You taught in law school?

11 A Yeah, I taught criminal law and procedure in law
12 school.

13 Q Okay. Thank you.

14 What law school did you teach at?

15 A San Joaquin College of Law in Fresno -- or in
16 Clovis, rather.

17 Q Got it.

18 Okay. Mr. Cronin, I'm going to ask your counsel
19 to provide you with the document -- well, to provide to
20 the court reporter first for marking as an exhibit PC 1
21 through 3.

22 MR. DICKINSON: What's the number, Amy, 581?

23 MS. BOMSE: 1 through 3 -- oh, and the exhibit
24 number is 581.

25 MR. DICKINSON: I'm actually marking them, if

1 that's all right with everybody.

2 MS. BOMSE: Good with me.

3 (Deposition Exhibit 581 was marked for
4 identification by the court reporter.)

5 MR. DICKINSON: Okay. Witness has the documents.

6 MS. BOMSE: Okay. Excellent.

7 Q BY MS. BOMSE: Mr. Cronin, the first thing I want
8 to have you notice is that in the bottom right corner of
9 the three pages that you have been handed as Exhibit 581
10 are the initials PC and then the numbers 1 through 3.

11 Do you see that?

12 MR. DICKINSON: I actually covered it up a little
13 bit.

14 THE WITNESS: Oh, yeah, I see it. Okay.

15 Q BY MS. BOMSE: Okay. And those -- and those
16 numbers reflect the fact that these are documents produced
17 by you through your counsel in this case.

18 Do you understand that?

19 A Yes.

20 Q Okay. Now, I'm not necessarily going to ask you
21 at first to refer to this document as much as giving it to
22 you in case it's helpful in answering my questions, but --
23 but first I'm going to just start asking questions without
24 specifically referring you to anything in the document.

25 So my first question is: Is it correct that you

1 served as the agent for service of process for a company
2 called Biomax Procurement Service?

3 A Yes, that's correct.

4 Q And you were initially asked to do this by Katie
5 Short?

6 A Yes, that's right.

7 Q How do you know Ms. Short?

8 A I've known Katie Short for a number of years
9 probably because we both attended the same Catholic church
10 for mass and would chat afterwards and got to know her on
11 that basis.

12 Q Okay. And what -- when Ms. Short first asked you
13 about serving as agent service of process, what do you
14 recall her saying to you?

15 A She -- as best as I can recall, she indicated to
16 me that this company, that they had formed or were going
17 to form, would be not entering into any contracts and
18 would mainly provide David Daleiden and -- with the access
19 to various Planned Parenthood offices for the purpose of
20 investigative journalism.

21 Q Okay. When you say would provide David Daleiden
22 with access, what do you mean by that?

23 A Well, that he would be representing himself as
24 being an officer of this corporation and that the
25 corporation was interested in obtaining fetal body parts.

1 Q Okay. And you understood that Mr. Daleiden --
2 so -- strike that.

3 What did -- why did the corporation need an agent
4 for service of process?

5 A I guess in case any members of the company got
6 sued that I would handle the -- I would be responsible for
7 seeing that they received notice of their subpoenas.

8 Q Do you understand why Ms. Short couldn't serve as
9 the agent for service of process?

10 A No. No, I don't, except she was the attorney for
11 I think the Life Legal Defense fund or something, so I
12 imagine there might have been a conflict there. I don't
13 know.

14 Q Have you done any work with Life Legal Defense
15 fund?

16 A No.

17 Q Do you know Mary Riley?

18 A No, I've never heard of her.

19 Q All right. If you could turn to the second page
20 of the e-mail chain, on the bottom is the first e-mail in
21 this string of e-mails. It's from David Daleiden to you
22 dated August 26th, 2013.

23 You see that?

24 A Oh, the August 26th is the one on the bottom?

25 Q I'm asking you to look at the very last e-mail on

1 PC 02. It starts, "Hi, Phil. I'm David Daleiden."

2 A Yeah, I see that.

3 Q Okay. And was this the first contact you've ever
4 had -- you had had with Mr. Daleiden?

5 A I'm not sure if I had a -- I remember having a
6 telephone conversation, a very brief one, with him and I'm
7 not sure of the chronology, whether or not the e-mail
8 preceded the telephone call. It looks like it did, but I
9 don't have the independent recollection about the order of
10 sequence.

11 Q Okay. That's fine.

12 So Mr. Daleiden entitled his e-mail to you
13 "Pro-life Investigative Project." Did you -- what did you
14 understand him to mean by that?

15 A Well, that basically his organization was for the
16 promotion of life of the unborn and the investigation had
17 to do with the investigative journalism that they were
18 involved in.

19 Q Okay. Did you know whether Mr. Daleiden was a
20 journalist?

21 A No, I didn't know, but the way I had been told
22 about their method of getting information was similar to
23 what Mike Wallace used to do on 60 Minutes with sort of
24 this sub rosa type of investigation.

25 Q Okay. So when you say what you had been told,

1 you're talking about what Katie explained to you?

2 A I think either Katie or David.

3 Q Okay. And can you just tell me what it was that
4 they explained to you about their investigative methods?

5 A Only that they would be videotaping or taping
6 conversations with Planned Parenthood officials and
7 officers with the ultimate goal of distribution of those
8 videotapes to the public at large sometime at a later
9 date.

10 Q What did you understand was the goal of
11 distributing those videotapes to the public?

12 A My understanding was it was to educate the public
13 as to what was going on and with the idea that perhaps
14 appropriate legislation could be effected that would ban
15 the dismemberment and sale of fetal parts and organs.

16 Q And how did you get that understanding?

17 A I think that was my own conjecture on the matter,
18 plus what I had been told by Katie and what David had told
19 me.

20 Q When you answered my question just now about what
21 was the purpose, are you able to distinguish between what
22 you know now about what Mr. Daleiden and his colleagues
23 did and simply asked to describe what your understanding
24 was at the time or is it mixed together?

25 A Given the length of time that's passed, it's kind

1 of hard for me to distinguish what I knew then and what I
2 know now. I mean, I obviously acquired more information
3 as time went by, but -- but for me to say exactly what I
4 knew at the time of this letter other than the fact that
5 they were involved in investigative journalism and to
6 expose practices that hopefully could be remedied.

7 Q Okay. Now, did you have an -- did Mr. Daleiden
8 explain to you why he couldn't serve as agent for service
9 of process?

10 A No, he didn't explain that to me.

11 Q Did you have any experience as acting as an agent
12 for service of process?

13 A No, I had no experience of that sort.

14 Q What's your understanding as to why Ms. Short
15 approached you to be the agent for service of process?

16 A I'm not sure why she did apart from the fact
17 that, you know, we knew each other and we were on friendly
18 terms.

19 Q You didn't ever ask her that?

20 A No, I never asked her.

21 Q What did you understand would be the business of
22 the new company?

23 A Ostensibly I think the business was to -- the
24 procurement of fetal body parts and tissues and specimens.

25 That was their ostensible purpose.

1 Q But you understand that it was actually a front
2 company for the undercover operation?

3 A That's correct.

4 Q So if you look at the e-mail, your response to
5 Mr. Daleiden, you say that Katie has spoken to you briefly
6 and that you were -- that you were interested but you
7 wanted to discuss the matter with Mr. Daleiden.

8 Do you see that?

9 A Yes, I see that.

10 Q Okay. And you said specifically, "I would like
11 to know some specifics about you, your new corporation,
12 your goals, your legal status."

13 A Yes, I see that.

14 Q Do you see that?

15 A I see that.

16 Q Okay. Okay. And at some point you said you did
17 have a conversation with Mr. Daleiden; correct?

18 A Yes.

19 Q And what did Mr. Daleiden tell you about himself?

20 A I don't really recall him discussing himself
21 except that he had this project and what the -- what I've
22 previously testified to as far as the objectives of the
23 project and -- and then that's about it.

24 Q I'm sorry. I missed that last thing you said.

25 A I said that was about the sum and substance. The

1 conversation was in 2013 I think and so I'm not sure, just
2 because of the passage of almost six years, what specific
3 details he went into. I don't recall right now.

4 Q Sure. Did you understand that part of the
5 project was to be using cameras to record Planned
6 Parenthood staff without their knowledge?

7 A Yes.

8 Q Did you have any conversations with Mr. Daleiden
9 about whether or not that was legal?

10 A No.

11 Q Did you ever ask anyone about whether recording
12 individuals without their knowledge is illegal?

13 A No.

14 Q Was that something that concerned you?

15 A No, because I -- again, I equated it with the
16 type of investigative journalism that goes on in the media
17 and, as an example, with Mike Wallace and 60 Minutes,
18 where they would go in with a secret mic and a camera and
19 record conversations and then later put it on their
20 reporting on the air to educate the people about that
21 particular subject.

22 Q Okay. So anything else that you can remember
23 about what Mr. Daleiden said to you on the call other than
24 that he was creating a Biomax in order to do an
25 investigative journalism program?

1 A No, I don't recall anything further.

2 Q If you look at the bottom of the first page of
3 Exhibit 581, there's an e-mail from Mr. Daleiden to you.

4 A Yes, I see that.

5 Q And he says -- in the second paragraph he says,
6 "When it gets nearer to the time that we release this
7 project, we could easily switch you out for someone else."

8 Do you see that?

9 A Yes.

10 Q Do you remember a conversation with Mr. Daleiden
11 about the idea that, before the project was released to
12 the public, you would remove yourself as the agent of
13 service of process?

14 A I vaguely remember a conversation in -- just
15 before they were going to release the -- the films where
16 Mr. Daleiden had told me that the time of the release was
17 imminent and that if I chose to resign as agent for
18 service of process that would be all right with him.

19 Q In fact, that was a --

20 A That was in 20 -- 2015 I think.

21 Q Right. And that was a requirement of yours for
22 agreeing to be the agent for service of process, that you
23 could remove yourself before the project became public;
24 correct?

25 A I think so, yes.

1 Q And why was that? Why was that important to you?

2 A Well, I didn't -- the goals had been achieved and
3 they were going to disband, I gather, and there would be
4 no purpose in having an agent for service of process.

5 Q Okay. So you were -- your -- your point was that
6 you would resign as agent for service of process when
7 there was no longer an organization at all; is that what
8 you're telling me?

9 A Right.

10 Q Okay. So were you willing to stay on as agent
11 for service of process as long as the entity was still
12 functioning?

13 A Up until the release of the videotapes.

14 Q Right. So even if Biomax continued to exist in
15 some form, you were not willing to continue to act as
16 agent for service of process once the videos were
17 published; right?

18 A That's correct.

19 Q I'm just trying to understand why that was. Why
20 was that one of your conditions?

21 A My service was complete. The mission was
22 accomplished and, therefore, there was no point in my
23 being -- continuing being the agent for service of
24 process.

25 Q If you look at what Mr. Daleiden wrote to you on

1 August 27th, he says -- he said, "We could easily switch
2 you out for someone else, even if that be an attorney or
3 just me at this point."

4 Do you see that?

5 A Yes.

6 Q "Because it wouldn't matter anymore."

7 Do you see that?

8 A Yes.

9 Q Why -- why did you -- why did it -- why would it
10 not matter anymore who was the agent for service of
11 process for Biomax at that point to your understanding?

12 A Because I think the objective of the project
13 would have been accomplished and there would be no need to
14 maintain the -- that Biomax was going to do any business
15 in the fetal tissue and fetal organ business.

16 Q When you resigned as agent for service of
17 process, did you understand that Biomax was ending its
18 corporate existence?

19 A That was my impression.

20 Q Did anyone -- strike that.

21 Was it your understanding that Mr. Daleiden
22 wanted you to serve as agent for service of process
23 because you aren't someone who is publicly associated with
24 antiabortion activity?

25 A I don't know. That would be conjecture on my

1 part. I don't really know why they asked me.

2 Q Okay. Why were you interested in serving as
3 agent for service of process?

4 A Well, I wasn't initially interested. I mean,
5 they approached me and I was retired and was not involved
6 in any project, so I thought this would be a project worth
7 serving if the videotapes could educate the public and
8 perhaps result in some legislation that would deal with
9 the problem of fetal body parts.

10 Q So you were interested in supporting the project?

11 A I was interested in seeing that something happens
12 effectively and within the confines of the legal process
13 to change what was going on that was -- so I mean, to that
14 extent, I guess I was.

15 Q Okay. When you said to me you were interested in
16 legislation to deal with the problem of fetal body parts,
17 what do you mean by that?

18 A Legislation that would prohibit the dismemberment
19 of babies in order to procure their organs and body parts
20 for sale and to educate the people, the public as to the
21 enormity of -- of the -- of abortions.

22 Q So you wanted the public to be educated about the
23 enormity of abortions?

24 A Yes.

25 Q Did you want the public to be educated about the

1 enormity of abortions in order for -- ultimately for there
2 to be legislation that would outlaw abortion?

3 A Ultimately, yes.

4 Q Did you have any conversations with Katie Short
5 about that goal?

6 A No.

7 Q How about Mr. Daleiden?

8 A No.

9 MS. BOMSE: All right. Mr. Dickinson, if you
10 could hand Mr. Cronin the document with the Bate stamp PC
11 00012.

12 MR. DICKINSON: Is that going to be 582?

13 MS. BOMSE: It is. Thank you very much.

14 MR. DICKINSON: Okay. He's got it.

15 (Deposition Exhibit 582 was marked for
16 identification by the court reporter.)

17 Q BY MS. BOMSE: Mr. Cronin, do you have
18 Exhibit 582 in front of you?

19 A Yes, I do.

20 Q Okay. And this is -- this is an e-mail on the
21 top that you forwarded to your counsel, Mr. Dickinson, on
22 February 23rd, 2016; correct?

23 A Right.

24 Q And below it is an e-mail that you received from
25 Katie Short on August 28, 2013; correct?

1 A That's correct.

2 MS. BOMSE: Okay. Mr. Dickinson, if you could

3 give Mr. Cronin PC 0004 which will be Exhibit 583.

4 (Deposition Exhibit 583 was marked for

5 identification by the court reporter.)

6 MR. DICKINSON: Okay. He's got it.

7 MS. BOMSE: Wonderful.

8 Q BY MS. BOMSE: Mr. Cronin, the e-mail on the

9 bottom of this chain is dated July 3rd, 2015, and in it

10 Mr. Daleiden is writing to you that the project is drawing

11 to a close and letting you know that you -- it's time for

12 you to resign if you wish.

13 Do you see that?

14 A Yes, I see that.

15 Q And this is the -- the conversation that you

16 previously described to me where Mr. Daleiden was letting

17 you know that the project was coming to a close; is that

18 correct?

19 A No, I don't think -- if I said that we had had a

20 conversation about this, I think I might have been

21 confusing the e-mail with the conversation, but I only

22 had --

23 Q Understood.

24 A As I recall, I only had one telephone

25 conversation with Mr. Daleiden and that was at the

1 beginning in 2013, so I think --

2 Q That's fine. So I -- this is -- so it turns out
3 that what you recalled was about an e-mail exchange rather
4 than an oral conversation; correct?

5 A That's correct.

6 Q Okay. And between the time that you had the
7 conversation with Mr. Daleiden and then agreed to be agent
8 for service of process for Biomax and this time that
9 Mr. Daleiden told you that the project was coming to a
10 close, did you have any involvement in Mr. Daleiden's
11 project --

12 A No.

13 Q -- other than serving as agent for service of
14 process?

15 A No.

16 Q Did you have any conversations with Mr. Daleiden
17 during that time period?

18 A No.

19 Q Any communications with Ms. Short about the
20 project during that time period?

21 A No.

22 Q Any communication with anyone associated with the
23 investigation --

24 A No.

25 Q -- about the investigation?

1 A No.

2 MS. BOMSE: Mr. Dickinson, if you could hand

3 Mr. Cronin a copy of his declaration in this matter.

4 MR. DICKINSON: Okay. Do you want to mark it as

5 an exhibit?

6 MS. BOMSE: I do. Exhibit 584, please.

7 MR. DICKINSON: Okay.

8 MS. BOMSE: Thank you.

9 (Deposition Exhibit 584 was marked for

10 identification by the court reporter.)

11 Q BY MS. BOMSE: Mr. Cronin, I'll give you a moment

12 to flip through the document and then my first question is

13 just do you recognize it.

14 A Yes, I've seen this before.

15 Q Okay. On the third page of the -- of

16 Exhibit 584, is that your signature?

17 A Yes -- you mean on page 2 of the --

18 Q It is on page 2. It's the third -- yeah, I'm

19 sorry. That was confusing. You're right that it's page 2

20 of the declaration.

21 A Right.

22 Q It's page 3 of this document.

23 A Oh, okay.

24 Q So either way, page 2 of the Declaration of

25 Phillip Cronin, is that your signature?

1 A That's my signature, yes.

2 Q Okay. And did you read this Declaration of
3 Phillip Cronin before you signed it?

4 A Yes.

5 Q And you understood that you were signing it under
6 penalty of perjury; correct?

7 A Yes.

8 Q And everything in the declaration that you signed
9 is accurate; correct?

10 A Yes, as far as I can recall now.

11 Q At the time that you signed it, did you have any
12 question as to whether it was accurate?

13 A No.

14 Q All right. If you would turn to Exhibit B to
15 your declaration.

16 A All right.

17 Q Have you seen Exhibit B before?

18 A Yes.

19 Q What is Exhibit B?

20 A It's a Resignation of Agent Upon Whom Process May
21 Be Served. It's my resignation which I signed and which
22 was filed on July 7th, 2015.

23 Q Okay. And that's your signature there on the
24 bottom; correct?

25 A That's correct.

1 Q Okay. And you filed this with the Secretary of
2 State?

3 A Yes, that is correct.

4 Q Great. All right. If you could turn to Exhibit
5 C. Exhibit C, the first page is a document entitled
6 "Exhibit Rules and Regulations," and then the second two
7 pages of Exhibit C are "Application and Agreement for
8 Exhibit Space," and there's two pages to that document.

9 A Right.

10 Q Is this a document that you had ever seen before
11 your counsel provided it to you in connection with this
12 declaration?

13 A No, I had never seen this before Mr. Dickinson
14 provided me with the exhibits.

15 Q On the third page of Exhibit C at the bottom
16 there is a section called "Total Fees."

17 Do you see that?

18 A Yes, I see that.

19 Q Okay. And the total fees due to NAF, N-A-F, were
20 \$3,235; correct?

21 A Yes.

22 Q And below that it states, "Charge total fees to
23 my," and there's a checkmark next to "Visa."

24 Do you see that?

25 A Yes.

1 Q And then below that there's a Visa card number?

2 A Yes.

3 Q Do you see that?

4 A Yes.

5 Q And an expiration date.

6 Do you see that?

7 A Right.

8 Q And below that it says, "Name of Cardholder" and
9 it's written "Phil Cronin."

10 Do you see that?

11 A Yes.

12 Q To your -- you didn't have the Visa card with the
13 number 5815-8900-0006-6028, did you?

14 A No, I did not.

15 Q Okay. And below the "Name of Cardholder" is a --
16 is a line for "Signature of Cardholder."

17 Do you see that?

18 A Yes.

19 Q And that's not your signature, is it?

20 A That's not my signature, no, and I never --

21 Q Okay.

22 A I never write Phil Cronin. It's either Phillip

23 Cronin or Phillip S. Cronin. I never write Phil Cronin.

24 Q And you never authorized anyone to sign your name
25 on your behalf on this registration form, did you?

1 A No, I did not.

2 Q If you could, turn to Exhibit D. Exhibit D is a
3 photocopy of three Visa cards: Two issued by the Bank of
4 America and one by Chase.

5 Do you see that?

6 A Yes.

7 Q Okay. And the Bank of America card on the top
8 left says "The Center for Medical Progress."

9 Do you see that?

10 A Yes.

11 Q And below that is your name "Phil Cronin";
12 correct?

13 A Right.

14 Q Did you ever authorize anyone to obtain a bank
15 card on your behalf --

16 A No.

17 Q -- for The Center for Medical Progress -- no?

18 A No.

19 Q Okay. Thank you.

20 Did you ever work for The Center for Medical
21 Progress?

22 A No, I never even heard of The Center for Medical
23 Progress until my attorney told me about it.

24 Q Do you know someone named Susan Merritt?

25 A No, I don't.

1 Q Okay. You were never a business partner in
2 Biomax, were you?

3 A No, I was not.

4 Q You were never the accountant for Biomax, were
5 you?

6 A No, I was not.

7 Q Okay. Do you know Troy Newman?

8 A No, I don't know Troy Newman.

9 Q Okay. Do you know Albin Rhomberg?

10 A No, I don't know him.

11 Q Okay. Do you know Adrienne Lopez?

12 A No, I do not know her.

13 Q Do you intend to testify at the trial of Planned
14 Parenthood versus CMP?

15 A That depends if I'm subpoenaed to testify, but --

16 Q Have you been asked?

17 A -- I have no plans to do so.

18 Q You haven't been asked by anyone representing any
19 defendants?

20 A No.

21 Q Were you surprised when you were provided with
22 the documents attached to your declaration?

23 A Are those --

24 Q Specifically the one showing your credit card --

25 a credit card with your name and the one showing a

1 signature on a document --

2 A Yes.

3 Q -- for Phil Cronin?

4 A I was completely surprised and flabbergasted.

5 Q That wasn't what you agreed to when you agreed to
6 be agent for service of process; correct?

7 A Not at all.

8 MS. BOMSE: All right. Thank you very much. I
9 have no further questions at this time.

10 MR. DICKINSON: Counsel on the phone, party on
11 the phone, any questions for Mr. Cronin?

12 MR. KOZINA: None at this time. Thank you.

13 THE COURT REPORTER: Who was that speaking,
14 please?

15 MR. KOZINA: Pardon me?

16 MR. DICKINSON: Yeah, the court reporter needs
17 you to identify yourself.

18 MR. KOZINA: My name is Vladimir Kozina
19 representing Troy Newman.

20 THE COURT REPORTER: Thank you.

21 MR. DICKINSON: Okay. Thanks.

22 It appears that we --

23 MR. KOZINA: Thank you.

24 MR. DICKINSON: Go ahead.

25 It appears we have no further questions.

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 PLANNED PARENTHOOD)
5 FEDERATION OF AMERICA,) Case No.
6 INC., et al,) 3:16-CV-00236
7 Plaintiffs,)
8 vs.)
9 THE CENTER FOR MEDICAL) Pages 1-314
10 PROGRESS, et al,)
11 Defendants.)
12)

13
14
15 Los Angeles, CA
16 VIDEOTAPED DEPOSITION OF KATHLEEN M. BRYAN
17 TAKEN ON
18 FRIDAY, MARCH 22, 2019
19

20
21
22 Job No. 157901
23 Reported by:
24 BRENDA R. COUNTZ, RPR-CRR
25 CSR NO. 12563

1 MR. MONAGHAN: John Monaghan, American
2 Center For Law and Justice, for defendant Troy
3 Newman.

4 MR. ANTHONY: Greg Anthony representing
5 the witness, Kate Bryan.

6 THE VIDEOGRAPHER: Will the court
7 reporter please swear in the witness.
8

9 KATHLEEN M. BRYAN
10 having been first duly sworn, was
11 examined and testified as follows:
12

13 EXAMINATION

14 BY MR. HUYNH:

15 Q. Good morning, Ms. Bryan.

16 A. Good morning.

17 Q. Would you please state your full name
18 for the record?

19 A. Kathleen Mary Bryan.

20 Q. How do you spell that?

21 A. K-A-T-H-L-E-E-N, M-A-R-Y, B-R-Y-A-N.

22 Q. What is your home address?

23 A. 1420 State Street. That's in Brighton,
24 Michigan, 48116.

25 Q. Do you have a business address?

1 A. I do not.

2 Q. What's your date of birth?

3 A. 8-13-1984.

4 Q. Have you had your deposition taken
5 before?

6 A. No.

7 Q. So I'm going to go over some ground
8 rules to how this process works. So the court
9 reporter to my right is transcribing this
10 deposition so you need to give verbal answers.
11 The court reporter can't take down head nods or
12 head shakes.

13 Do you understand that?

14 A. I do.

15 Q. You must wait until I finish asking the
16 question before you answer.

17 Do you understand that?

18 A. I do.

19 Q. If you don't understand a question,
20 tell me and I'll try to clarify. If you answer
21 the question, then I will assume you understood.

22 Is that fair?

23 A. Yes.

24 Q. If you need a break, please tell me. I
25 will ask that you finish any pending question but

1 Girl Revolution?

2 A. Yes.

3 Q. Does One Girl Revolution do any work
4 involving Planned Parenthood?

5 A. No.

6 Q. Prior to being self-employed in June
7 2018, you were employed at CRC Public Relations;
8 is that correct?

9 A. That is correct.

10 Q. And you were employed at CRC Public
11 Relations from April 2016 to June 2018, correct?

12 A. That is correct.

13 Q. Your position was senior account
14 executive, correct?

15 A. That is correct.

16 Q. At CRC Public Relations from April 2016
17 to June 2018, did you do any work involving
18 Planned Parenthood?

19 A. Yes.

20 Q. What was the work that you did that
21 involved Planned Parenthood?

22 MR. ANTHONY: Object that it would call
23 for a narrative and that it is overbroad as to
24 time. It's nonspecific. And I don't think
25 you've defined Planned Parenthood in this

1 deposition.

2 But if you have, Kate, an understanding
3 or believe you have an understanding of what he
4 means by Planned Parenthood and you can answer
5 the question based on fact, you should try to do
6 so.

7 THE WITNESS: I don't understand the
8 question. Can you rephrase?

9 BY MR. HUYNH:

10 Q. What don't you understand about the
11 question?

12 A. Can you repeat it?

13 Q. What was the work that you did at CRC
14 Public Relations from April 2016 to June 2018
15 that involved Planned Parenthood?

16 MR. ANTHONY: Same objection.

17 Brenda, if I say "Same objection," can
18 you incorporate it by reference in the same
19 words?

20 If I can ask for a stipulation that any
21 time I say "Same objection," that it would just
22 be the immediate objection being interposed; that
23 way we don't have to repeat all the words?

24 MR. HUYNH: That's fine.

25 MR. ANTHONY: Everyone agrees.

1 THE WITNESS: I'm not sure how to
2 answer the question. I still don't understand.

3 MR. HUYNH: Can you repeat the
4 question, please?

5 MR. ANTHONY: Listen to the question
6 and if there is a part of the question you don't
7 understand, maybe let the attorney know.

8 (The record was read by the reporter.)

9 MR. ANTHONY: The same objections as
10 before. Do you understand the question? Or if
11 not, on what basis are you not understanding it?

12 THE WITNESS: I understand.

13 The same work, working in public
14 relations, writing press releases, pitching op
15 eds, pitching people to media.

16 BY MR. HUYNH:

17 Q. Were there specific projects that you
18 worked on at CRC Public Relations from April 2016
19 to June 2018 that involved Planned Parenthood?

20 MR. ANTHONY: The same objection as
21 before.

22 THE WITNESS: I think that's privileged
23 information.

24 MR. ANTHONY: I think he's asking right
25 now for a yes or a no, if there were particular

1 THE WITNESS: Yes.

2 BY MR. HUYNH:

3 Q. Could you tell me about the work that
4 you did involving Planned Parenthood?

5 MR. ANTHONY: I just didn't hear you.
6 Your voice faded off. Can you speak a little
7 more audibly?

8 BY MR. HUYNH:

9 Q. Sure. Could you please tell me the
10 work you did involving Planned Parenthood at the
11 American Principles Project?

12 MR. ANTHONY: Timeframe?

13 MR. HUYNH: Counsel, it's defined that
14 she worked there from August 2013 to February
15 2016.

16 MR. ANTHONY: Overbroad, nonspecific,
17 unspecified, nonspecific, nondefined as to time
18 so as to be potentially though not necessarily
19 intentionally burdensome and vexing.

20 I think that's a yes or a no.

21 THE WITNESS: Can you repeat the
22 question? Sorry.

23 BY MR. HUYNH:

24 Q. Could you please tell me the work you
25 did involving Planned Parenthood at the American

1 Principles Project?

2 MR. ANTHONY: Same objection that I
3 just articulated. Let me add on to that because
4 I didn't hear it properly before.

5 Potentially invasive or potentially
6 implicating the enumerated constitutionally
7 protected -- I think we are calling those
8 testimonial privileges.

9 Other than that, to the extent that
10 there might be privacy interests or nondisclosure
11 agreements, et cetera, that would be up to you to
12 assert, Kate.

13 THE WITNESS: Mainly writing, like
14 writing and political commentary in the media.

15 BY MR. HUYNH:

16 Q. What were the specific projects that
17 you worked on at the American Principles Project
18 that involved Planned Parenthood?

19 MR. ANTHONY: Same objection.
20 Overbroad, vague as to time, nonspecific,
21 undefined, potentially and not necessarily and
22 certainly not intentionally oppressive, vexing
23 and harassing of the witness as phrased and
24 potentially implicating the constitutionally
25 enumerated testimonial privileges and otherwise

1 First Amendment speech association and privacy
2 and contractual nondisclosure agreements.

3 But you should try to answer as you
4 navigate through that.

5 THE WITNESS: The only thing that comes
6 to mind is Center for Medical Progress.

7 BY MR. HUYNH:

8 Q. Why did you leave the American
9 Principles Project?

10 MR. ANTHONY: Objection, relevance,
11 calls for a narrative.

12 THE WITNESS: Job change.

13 BY MR. HUYNH:

14 Q. No other specific reason?

15 A. No.

16 Q. Prior to your role as director of
17 communications of the American Principles
18 Project, you were communications director at Live
19 Nation, correct?

20 A. Live Action?

21 Q. Live Action, thank you.

22 A. That is correct.

23 Q. And you were communications director at
24 Live Action from December 2011 to August 2013,
25 correct?

1 A. That is correct.

2 Q. Did you do any work involving Planned

3 Parenthood as communications director at Live

4 Action from December 2011 to August 2013?

5 MR. ANTHONY: Objection, overbroad,
6 vague, unspecific, nondefined as to time,
7 potentially though not necessarily and certainly
8 not intentionally burdensome, oppressive, vexing,
9 harassing of this particular witness.

10 Other than that --

11 THE WITNESS: Yes.

12 BY MR. HUYNH:

13 Q. What were the specific projects that
14 you worked on at Live Nation from December 2011
15 to August 2013 that involved Planned Parenthood?

16 MR. ANTHONY: Same objection.

17 THE WITNESS: I was involved in two
18 investigations. One was their gendercide
19 investigation and the other was infanticide.

20 MR. ANTHONY: Would you mark the
21 transcript for me, Madam Reporter? Just indicate
22 at the front of the book that I asked for the
23 transcript be marked.

24 BY MR. HUYNH:

25 Q. What was the gendercide investigation?

1 BY MR. HUYNH:

2 Q. Do you know if Mr. David Daleiden wrote
3 the initial draft of these press releases that
4 CRC Public Relations worked on for CMP?

5 MR. ANTHONY: Objection to form and
6 objection to the extent that the question as
7 stated could but doesn't necessarily implicate
8 enumerated constitutional testimonial privileges.

9 THE WITNESS: Yes, he probably did.

10 BY MR. HUYNH:

11 Q. And for these press releases that
12 Mr. Daleiden wrote initially, did you make any
13 edits to them?

14 MR. ANTHONY: Objection to form. We
15 still haven't defined which particular presses we
16 are talking about. It calls for speculation. I
17 have to add that.

18 And then the question as stated could,
19 or potentially, but doesn't necessarily implicate
20 the previously enumerated constitutionally
21 protected privilege, testimonial privileges.

22 THE WITNESS: Potentially.

23 BY MR. HUYNH:

24 Q. Did Mr. Daleiden ask you for any advice
25 about the press releases that he drafted for CMP?

1 these talking points looked like?

2 MR. ANTHONY: Objection to form.

3 THE WITNESS: I don't remember if there
4 were talking points so I wouldn't remember what
5 they looked like.

6 BY MR. HUYNH:

7 Q. For these press releases that you
8 worked on at the American Principles Project and
9 CRC Public Relations related to CMP, where did
10 you get your information for the press releases?

11 MR. ANTHONY: Objection to form.

12 THE WITNESS: Clarification; I didn't
13 do press releases at American Principles Project
14 with anything to do with CMP.

15 So do you mean for CRC?

16 BY MR. HUYNH:

17 Q. Let's start with CRC.

18 A. Can you repeat the question, just
19 regarding CRC?

20 Q. For the press releases that you worked
21 on at CRC Public Relations related to CMP, where
22 did you get your information for the press
23 releases?

24 MR. ANTHONY: Objection to form.

25 THE WITNESS: It depends on the press

1 release but probably David Daleiden.

2 BY MR. HUYNH:

3 Q. Anyone else you would have received
4 information from?

5 MR. ANTHONY: Objection. Sounds like
6 an incomplete hypothetical question. Otherwise,
7 lacks foundation, calls for speculation, so
8 objection to form.

9 If you understand that question, I
10 don't want you to guess or speculate. He doesn't
11 want your opinion. You are a fact witness. He
12 wants facts that you recall. He doesn't want you
13 to guess.

14 THE WITNESS: The only other people
15 that I would have received additional information
16 from at CRC is other employees at CRC.

17 BY MR. HUYNH:

18 Q. So besides Mr. Daleiden and CRC
19 employees, you did not receive information for
20 the press releases related to CMP, correct?

21 MR. ANTHONY: Objection to form.

22 THE WITNESS: Not to my knowledge.

23 BY MR. HUYNH:

24 Q. And who at CRC Public Relations gave
25 you information related to the press releases

1 perform abortions?

2 MR. ANTHONY: Same objection. It's a
3 form objection.

4 THE WITNESS: Can you repeat the
5 question?

6 BY MR. HUYNH:

7 Q. What are your views on doctors who
8 perform abortions?

9 A. I believe that they are murdering
10 innocent human beings.

11 MR. ANTHONY: Would you mark the
12 transcript for me, please. Thanks, Brenda.

13 THE WITNESS: And failing women.

14 BY MR. HUYNH:

15 Q. Why do you believe that?

16 A. Because I believe that every human
17 being is unique and a gift to this world.

18 MR. ANTHONY: Would you mark the
19 transcript please, Brenda.

20 BY MR. HUYNH:

21 Q. What do you think should happen to
22 doctors who perform abortions?

23 MR. ANTHONY: That's been asked and
24 answered, counsel, but if you want to prolong the
25 deposition she can answer it again.

1 Q. Were you aware by 2011 that sting
2 operations on Planned Parenthood would lead to
3 protests against Planned Parenthood?

4 MR. ANTHONY: Objection to form.

5 THE WITNESS: Do you want to repeat the
6 question?

7 BY MR. HUYNH:

8 Q. Yes. Were you aware by 2011 that sting
9 operations on Planned Parenthood would lead to
10 protests against Planned Parenthood?

11 MR. ANTHONY: Objection to form.

12 THE WITNESS: I was not aware that it
13 would lead to protests.

14 BY MR. HUYNH:

15 Q. When did you hear about this
16 demonstration mentioned in this article?

17 A. Right now.

18 Q. You know David Daleiden, right?

19 A. I do.

20 Q. When did you first meet him?

21 A. I met David in December of 2011.

22 Q. Where did you meet him?

23 A. In the Live Action office in San Jose,
24 California.

25 Q. When did he first discuss with you the

1 project that is the subject of this lawsuit?

2 A. When did he first discuss the Center

3 for Medical Progress investigation?

4 Q. Correct.

5 MR. ANTHONY: Objection to form.

6 THE WITNESS: May of 2015.

7 BY MR. HUYNH:

8 Q. So when you met him at the Live Action

9 offices in San Jose, California in 2011, he did

10 not mention the CMP investigation to you?

11 MR. ANTHONY: Objection to form.

12 THE WITNESS: He did not.

13 BY MR. HUYNH:

14 Q. What did you discuss with Mr. Daleiden

15 in San Jose in December of 2011?

16 A. We were colleagues at Live Action, so

17 probably Live Action.

18 Q. Did Mr. Daleiden approach you about the

19 CMP project that is the subject of this lawsuit?

20 MR. ANTHONY: Objection to form.

21 THE WITNESS: Can you rephrase the

22 question?

23 BY MR. HUYNH:

24 Q. Was Mr. Daleiden the one who approached

25 you about the CMP project that is the subject of

1 this lawsuit?

2 MR. ANTHONY: Objection to form.

3 THE WITNESS: Yes.

4 BY MR. HUYNH:

5 Q. When did he approach you?

6 A. May of 2015.

7 Q. How did he approach you?

8 MR. ANTHONY: Objection to form.

9 THE WITNESS: We were at a wedding
10 together, a friend's wedding.

11 BY MR. HUYNH:

12 Q. Whose wedding was that?

13 MR. ANTHONY: Objection, relevance,
14 privacy.

15 THE WITNESS: Anna Davin.

16 BY MR. HUYNH:

17 Q. What did he tell you during that
18 wedding about the CMP project that is the subject
19 of this lawsuit?

20 A. He told me that he had already
21 completed a two and a half year investigation
22 into Planned Parenthood and their involvement in
23 the harvesting and selling of baby body parts.

24 Q. What else did he tell you?

25 MR. ANTHONY: Would you mark the

1 transcript, please, Brenda, for me.

2 THE WITNESS: That's it.

3 BY MR. HUYNH:

4 Q. Did you ask him any questions?

5 A. Not that I remember, not that I recall.

6 Q. In this May 2015 conversation with
7 Mr. Daleiden, did he ask you for advice about the
8 project that is the subject of this lawsuit?

9 MR. ANTHONY: Objection to form.

10 THE WITNESS: Not that I recall.

11 BY MR. HUYNH:

12 Q. At this May 2015 meeting with
13 Mr. Daleiden did he ask you to participate in
14 CMP's project?

15 A. Not that I recall.

16 Q. Did you tell him that you wanted to
17 participate in CMP's project?

18 A. I don't remember exactly but I probably
19 said that I would help on a press level.

20 Q. And what did you mean when you said you
21 would help on a press level?

22 A. When he was releasing his videos, and
23 at that stage I didn't know exactly what were in
24 the videos but I knew that it was an
25 investigation. When those became public I would

1 circulate them to reporters that I knew.

2 Q. So by 2015, if I recall correctly, you
3 were at CRC Public Relations at that point?

4 A. No. I was at American Principles
5 Project.

6 Q. That's right. Sorry about that.

7 A. Okay.

8 Q. Was he asking you for help on a press
9 level in your individual capacity?

10 A. Yes. We are friends.

11 Q. When Mr. Daleiden told you that he had
12 conducted a two and a half year investigation
13 into Planned Parenthood, did you ask for a copy
14 of that investigation?

15 A. I did not.

16 Q. Did he ask you to donate money to CMP?

17 A. He did not.

18 Q. To your knowledge, what is the Center
19 for Medical Progress?

20 MR. ANTHONY: Present tense. What is,
21 to your knowledge, CMP.

22 THE WITNESS: It's a citizen journalist
23 organization.

24 BY MR. HUYNH:

25 Q. In 2015 what was your understanding of

1 what CMP was?

2 A. A citizen journalist organization.

3 Q. How did you become aware of CMP?

4 A. When David Daleiden told me about it.

5 Q. And that was in May 2015?

6 A. Yes.

7 Q. Do you know when CMP was created?

8 A. I do not.

9 Q. So you didn't help create CMP?

10 A. No, I did not.

11 Q. Are you aware that CMP is a nonprofit?

12 A. Yes.

13 Q. It was designated as a 501(c)(3)
14 organization?

15 A. Is that a question?

16 Q. Yes.

17 A. Yes, it's on their website so it's
18 public information.

19 Q. Do you know when it received approval
20 as a 501(3)(c) organization?

21 A. I do not.

22 Q. Were you involved in the approval
23 process at all?

24 A. I was not.

25 Q. So after this initial conversation with

1 Mr. Daleiden in May 2015, when did you become
2 involved with CMP?

3 MR. ANTHONY: Objection to form.

4 THE WITNESS: Probably July 2015 when
5 the videos were coming out.

6 BY MR. HUYNH:

7 Q. Did Mr. Daleiden reach out back to you
8 first after that initial May 2015 meeting?

9 A. We are friends so we probably spoke but
10 it would have been brief.

11 Q. So in July 2015 when you first became
12 involved with CMP's project, what did
13 Mr. Daleiden tell you at that point?

14 MR. ANTHONY: Objection to form,
15 misstates the prior testimony generally.

16 Answer to the extent that you
17 understand the question and you have a factual
18 basis.

19 THE WITNESS: Can you repeat the
20 question?

21 BY MR. HUYNH:

22 Q. So in July 2015 when you first became
23 involved with CMP's project, what did
24 Mr. Daleiden tell you at that point?

25 MR. ANTHONY: Same form objection.

1 MR. ANTHONY: Objection. "Just" is
2 sort of a nonspecific term which may or may not
3 be argumentative.

4 But if you understand what he means by
5 "just" in the context of that question you should
6 try to answer it according to your understanding.

7 THE WITNESS: Can you restate that?

8 BY MR. HUYNH:

9 Q. Let me try to clarify that.

10 For CMP's project that is at issue in
11 this lawsuit, who did you work with in relation
12 to that project?

13 MR. ANTHONY: Objection to form.

14 THE WITNESS: David Daleiden and CRC
15 Public Relations.

16 BY MR. HUYNH:

17 Q. Sorry, but I thought you testified that
18 you were doing work for Mr. Daleiden and CMP in
19 your individual capacity?

20 MR. ANTHONY: Objection, misstates her
21 prior testimony.

22 THE WITNESS: That misstates. I was
23 not doing work for him.

24 BY MR. HUYNH:

25 Q. What were you doing for him?

1 MR. ANTHONY: Objection to form. When,
2 counsel?

3 THE WITNESS: I was circulating press
4 releases and things that were already public, in
5 my individual capacity.

6 BY MR. HUYNH:

7 Q. And how many hours per week did you
8 spend in circulating press releases and things
9 for CMP?

10 A. Not that much, only a few hours a week.

11 As a clarification, probably the
12 majority of my work in a volunteer capacity was
13 booking media for David, so just scheduling
14 pretty much.

15 Q. So for how long were you booking media
16 for Mr. Daleiden?

17 A. I don't recall but maybe a couple of
18 hours a week.

19 Q. I meant from what date to what date?

20 A. July 2015 until when I ended up at CRC,
21 April 2016.

22 Q. So by the time you left for CRC or you
23 started working for them, you weren't doing any
24 work in your individual capacity for Mr. Daleiden
25 or CMP anymore, correct?

1 A. Correct.

2 Q. You mentioned that you were a volunteer
3 so you weren't paid by Mr. Daleiden or CMP for
4 your work on behalf of them, correct?

5 A. That is correct.

6 Q. Besides booking media appearances for
7 Mr. Daleiden and CMP, what else did your role
8 involve?

9 A. That's pretty much it.

10 Q. Besides Mr. Daleiden, did you book
11 media appearances for any of the other defendants
12 in this case?

13 A. No, not that I recall.

14 MR. HUYNH: Let's mark this as
15 Exhibit 93.

16 THE WITNESS: (Perusing.)
17 (Bryan Exhibit 93, Document Bates
18 Stamped CM 21359 to CM 21362, was
19 marked for identification.)

20 MR. HUYNH: So Exhibit 39 is Bates
21 stamped CM 21359 to CM 21362.

22 BY MR. HUYNH:

23 Q. This is a July 15, 2015 e-mail chain
24 between you and Mr. Daleiden, correct?

25 A. Correct.

1 Q. Looking at the e-mail at the bottom of
2 this e-mail chain on the page Bates stamped CM
3 21361, Troy Newman wrote, "K, David said you
4 would help coordinate the media and stuff. I'm
5 on a plane. Is this your right e-mail?"

6 Do you see that?

7 A. I see that.

8 Q. The later K is addressing you, right?

9 A. Presumably.

10 Q. Next e-mail above that, you responded
11 to Mr. Newman and said, "Hey Troy, yes, this is
12 my e-mail. I'm happy to help in any way I can.
13 I've been pitching the media like crazy and have
14 a few other friends in PR who are doing the same.
15 Let me know if anything comes up."

16 Do you see that?

17 A. I see that.

18 Q. So you helped CMP coordinate media
19 after CMP released its undercover videos, right?

20 A. That is correct.

21 Q. Specifically you helped CMP pitch its
22 undercover videos to the media?

23 A. Yes.

24 Q. How many media organizations did you
25 pitch?

1 A. I don't recall.

2 Q. Which media organizations did you

3 pitch?

4 A. A lot.

5 Q. Do you have a rough estimate of how

6 many media organizations that you pitched?

7 A. I don't.

8 Q. Was it above 100?

9 A. I would be guessing but probably 100.

10 Q. More than 120?

11 A. No.

12 Q. What was your pitch to these media

13 organizations?

14 A. I don't remember.

15 MR. ANTHONY: Let's just slow down a

16 little. Objection to form.

17 THE WITNESS: I don't remember.

18 BY MR. HUYNH:

19 Q. Who are your few other friends in PR

20 that also pitched the media on behalf of CMP?

21 MR. ANTHONY: Objection to form.

22 THE WITNESS: I would like to insert my

23 constitutional rights on that one.

24 BY MR. HUYNH:

25 Q. Which constitutional rights?

1 privileges. But we've asserted both objections.

2 You understand?

3 MR. HUYNH: Yes.

4 MR. ANTHONY: Good.

5 BY MR. HUYNH:

6 Q. Were your few other friends in PR that
7 also pitched to media on behalf of CMP paid?

8 MR. ANTHONY: Objection to form.

9 THE WITNESS: No.

10 BY MR. HUYNH:

11 Q. Did you show any materials to these
12 other friends in PR about CMP?

13 MR. ANTHONY: Objection to form.

14 THE WITNESS: Can you clarify? Do you
15 mean like a press release or --

16 BY MR. HUYNH:

17 Q. Sure.

18 A. I would have sent them press releases
19 that were already public at that stage.

20 Q. Did you send them anything else besides
21 press releases?

22 A. No, not that I recall.

23 Q. Going to the bottom of the page Bates
24 stamped CM 21360, Mr. Newman e-mailed you back
25 and asked, "Who are your spokespersons when David

1 is busy?"

2 Do you see that?

3 A. I see that.

4 Q. Does "our" refer to CMP?

5 MR. ANTHONY: Objection, calls for
6 speculation, lacks foundation, form objection.

7 He doesn't want you to guess.

8 THE WITNESS: When I received that
9 e-mail that's how I took it, is that it was CMP.

10 BY MR. HUYNH:

11 Q. So Mr. Newman is asking who are CMP's
12 spokespersons when Mr. Daleiden is busy, correct?

13 MR. ANTHONY: Hold on. Same objection,
14 form.

15 BY MR. HUYNH:

16 Q. In the e-mail above that you wrote to
17 Mr. Newman and said, "I've been pitching David
18 and he's been able to do all of the media I've
19 gotten so far. I guess we'll cross that bridge
20 when we get to it."

21 Do you see that?

22 A. I see that.

23 Q. You forwarded the e-mails we just
24 looked at to David Daleiden, Anna Davin and
25 Ashley Baldwin, correct?

1 MR. ANTHONY: Objection to form.

2 THE WITNESS: That is correct.

3 BY MR. HUYNH:

4 Q. After you forwarded the e-mails to
5 Ms. Davin, she e-mailed you to say, "Don't let
6 him step into that. Just my smiley opinion."

7 Do you see that?

8 A. I see that.

9 Q. "Him" in this even refers to
10 Mr. Newman, correct?

11 A. That's how I took it at the time.

12 Q. In the e-mail directly above that you
13 responded to Ms. Davin by saying, "I'm not, LOL.
14 Don't worry. I love Troy and all of the pro-life
15 leaders involved in this. But David, I am only
16 doing this for you. I am not anyone else's comms
17 person and will not pitch anyone else."

18 You did not want Mr. Newman to be a
19 spokesperson for CMP, correct?

20 A. That's not what this e-mail says.

21 Q. That's not what you meant when you
22 wrote this e-mail back?

23 MR. ANTHONY: Objection, slow down. Do
24 you understand his pending question? I think
25 there might be two questions pending but make

1 sure you understand the question.

2 THE WITNESS: Okay, can you repeat the
3 question or if there are two pending questions?

4 BY MR. HUYNH:

5 Q. There was. I think you answered the
6 question, looking at the real time, so I'll move
7 on to my next question.

8 In this e-mail you wrote to
9 Mr. Daleiden that, "This is your project and you
10 need to do the media for it," correct?

11 MR. ANTHONY: Slow down. Counsel, are
12 we on page 1360?

13 MR. HUYNH: Yes, that is correct.

14 MR. ANTHONY: Very good.

15 BY MR. HUYNH:

16 Q. And it's the e-mail that is timed at
17 9:13 a.m.

18 Do you see that?

19 A. I see that.

20 Q. You believe the project that is the
21 subject of this lawsuit is Mr. Daleiden's
22 project, correct?

23 A. Correct.

24 Q. Why do you hold that belief?

25 A. Because he's the founder of CMP and the

1 lead investigator.

2 Q. Looking at the next e-mail at 9:22 a.m.

3 on top of the page Bates stamped CM 21360 you

4 wrote to Mr. Daleiden, "Have you done any radio

5 and TV yet? Also, is The Today Show still at

6 play? A friend in PR and I are working on some

7 staff for Ya Bro. Keep me in the loop."

8 Do you see that?

9 A. I see that.

10 Q. Who is your friend in PR who was

11 working on some stuff for Mr. Daleiden?

12 A. I'd like to assert my constitutional

13 privilege here.

14 Q. Your Fifth Amendment privilege?

15 A. Fifth Amendment.

16 Q. What stuff were you working on for

17 Mr. Daleiden that is referred to in this e-mail?

18 A. Scheduling and pitching media

19 appearances for David.

20 Q. In the next e-mail in the chain on the

21 bottom of the first page Bates stamped CM 21359,

22 Mr. Daleiden responded to you and said, "Have not

23 heard back from them. Doing O'Reilly today on

24 CBS."

25 Do you see that?

1 A. I see that.

2 Q. And then directly above you replied to
3 Mr. Daleiden by saying, "Okay, sweet. You should
4 followup with them and/or send me their contact
5 info and I will call them as your comms director,
6 LOL."

7 Do you see that?

8 A. I see that.

9 Q. So this confirms you were
10 Mr. Daleiden's communications director, correct?

11 A. No.

12 Q. Well, it says here that you will call
13 the media as Mr. Daleiden's comms director. Is
14 that not what this sentence means?

15 A. "Comms director" is in quotes. David
16 didn't have a comms director.

17 Q. But you saw your role for Mr. Daleiden
18 as his communications director?

19 A. I did not.

20 Q. What did you see your role for
21 Mr. Daleiden as?

22 A. Public relations support, I guess.

23 Q. And how long would you say you were in
24 this role as public relations support for
25 Mr. Daleiden?

1 A. Mainly just July 2015 as the videos
2 were coming out, from what I recall.

3 Q. You didn't do public relations support
4 for Mr. Daleiden after July 2015?

5 A. Not anything substantial that I
6 remember.

7 Q. And what was some not substantial
8 things that you did for Mr. Daleiden after July
9 2015?

10 A. I don't remember anything.

11 Q. And when you say "substantial," do you
12 mean press releases?

13 A. Yeah, or media pitching or anything
14 that I had done before.

15 Q. LOL stands for laughed out loud,
16 correct?

17 A. Laugh out loud, yes.

18 Q. Why did you LOL after you referred to
19 yourself as Mr. Daleiden's communications
20 director?

21 A. Because he didn't have a communications
22 director.

23 Q. Would you characterize yourself as
24 CMP's public relations support person too?

25 MR. ANTHONY: Objection to form.

1 THE WITNESS: I would characterize
2 myself as a public relations contact for them.

3 BY MR. HUYNH:

4 Q. And for how long?

5 A. Well, I guess it depends because I
6 would have been the PR contact while I was at
7 CRC. So if you include that, it would be
8 probably a couple of years, two years.

9 Q. Two years from July 2015?

10 A. Yes.

11 MR. ANTHONY: Hold on. I just want to
12 make sure I heard.

13 Did you say two years from July 2015?

14 MR. HUYNH: Yes.

15 MR. ANTHONY: Okay.

16 BY MR. HUYNH:

17 Q. What were your responsibilities as
18 CMP's public relations contact?

19 A. Mainly answering media requests and
20 then scheduling those interviews, and from time
21 to time pitching a press release or video.

22 Q. Going back to this e-mail chain in a
23 12:46 p.m. e-mail Mr. Daleiden wrote to you, "Can
24 you guys get back to John Santucci from ABC Good
25 Morning America and let them know that the full

1 footage on YT is the highest quality available."

2 Do you see that?

3 A. I see that.

4 Q. Does YT refer to YouTube?

5 A. That's how I would take it.

6 Q. You responded that, "I can unless you

7 want to call him and I'm heading back to the

8 office now."

9 Do you see that?

10 A. I see that.

11 Q. So you were responsible for

12 communicating with the media regarding their

13 questions about CMP's undercover videos?

14 A. Not solely but yes.

15 Q. And when the media asked you questions

16 about the undercover videos, what did you tell

17 them?

18 MR. ANTHONY: Objection to form.

19 THE WITNESS: It depends on what the

20 questions were but I would have just told them

21 the truth that was revealed in the videos.

22 Everything that I was saying to them was already

23 public.

24 BY MR. HUYNH:

25 Q. Did they ask you questions about the

1 A. Yes.

2 Q. Let's go back to your LinkedIn page,
3 and that's Exhibit 90.

4 A. (Perusing.)

5 Q. Why isn't your role as Mr. Daleiden's
6 public relations support person listed on your
7 LinkedIn page?

8 MR. ANTHONY: Objection, form,
9 relevance, argumentative. It's basically a
10 reprisal of the previous question, asked and
11 answered.

12 But go ahead if you understand his
13 question. I think perhaps you are also asking
14 for a narrative. But go ahead and let him know.

15 THE WITNESS: I don't list any of my
16 former clients or current clients on my LinkedIn
17 page.

18 MR. ANTHONY: Would you mark the
19 transcript, please, Brenda.

20 MR. HUYNH: Let's mark the next exhibit
21 as Exhibit 94.

22 THE WITNESS: (Perusing.)

23 (Bryan Exhibit 94, Document Bates
24 Stamped CM 05442 to CM 05443, was
25 marked for identification.)

1 MR. HUYNH: And for the record this is
2 a document Bates stamped CM 05442 to CM 05443.

3 BY MR. HUYNH:

4 Q. This is a July 13, 2015 e-mail from you
5 to Mr. Daleiden, correct, at the top of the
6 chain?

7 A. Yes.

8 Q. You wrote, "I have a contract with
9 Drudge. I'll send the video to them."

10 Do you see that?

11 A. I see that.

12 Q. Who is your contact at Drudge?

13 A. I had numerous. I don't recall who.

14 Q. Who were your contacts at Drudge?

15 A. I don't remember.

16 Q. What video did you send to Drudge?

17 A. Whatever the first video that CMP
18 released was.

19 Q. Did you tell Drudge anything when you
20 sent them this video?

21 A. Not that I recall.

22 Q. So as CMP's public relations contact
23 you were responsible for sending CMP's undercover
24 videos to the media, correct?

25 MR. ANTHONY: Objection to form, vague

1 as to time. I think it's overstating the record

2 -- excuse me, misstating the testimony.

3 THE WITNESS: Not solely but I did send

4 the video to some media.

5 BY MR. HUYNH:

6 Q. When you say "not solely," did you do

7 anything else in your communications with media?

8 A. I was not the only person. That's what

9 I meant.

10 Q. I see. Who else was sending

11 videos -- strike that.

12 Who else was sending CMP's videos to

13 the media?

14 MR. ANTHONY: Objection to form.

15 THE WITNESS: CRC Public Relations and

16 probably others. I'm not sure.

17 BY MR. HUYNH:

18 Q. Did Mr. Daleiden hire CRC Public

19 Relations in relation to its undercover videos?

20 MR. ANTHONY: Objection to form.

21 THE WITNESS: I believe so, yes.

22 BY MR. HUYNH:

23 Q. Do you know when they hired them?

24 MR. ANTHONY: Objection to form.

25 THE WITNESS: I have no idea.

1 MR. HUYNH: Let's mark this as

2 Exhibit 95.

3 THE WITNESS: (Perusing.)

4 (Bryan Exhibit 95, Document Bates

5 Stamped CM 23422 to CM 23424, was

6 marked for identification.)

7 MR. HUYNH: This is an e-mail chain

8 Bates stamped CM 23422 to CM 23424.

9 BY MR. HUYNH:

10 Q. This is an August e-mail chain in 2015

11 between you and Mr. Daleiden, correct?

12 A. Correct.

13 Q. The e-mail at the bottom of this e-mail

14 chain on the page Bates stamped CM 23423 is an

15 August 21, 2015 e-mail at 2:04 p.m. from Rachel

16 Reeves to you and Mr. Daleiden, correct?

17 A. I can't see who the e-mail is to but it

18 looks like that could be it.

19 Q. So in Ms. Reeves e-mail she wrote, "Hi

20 Kate, my name is Rachel Reeves and I am the

21 producer for the TV show Facing Life Head-on

22 hosted by the Mattes of the Life Issues

23 Institute.

24 "We actually interviewed Troy Newman a

25 couple of years ago with an episode centered on

1 Operation Rescue and he gave me your contact
2 information."

3 Do you see that?

4 A. I see that.

5 Q. And her "Kate," to your understanding,
6 that refers to you, correct?

7 A. Oh, at the top, "Hi Kate," yes.

8 Q. Next paragraph and this reads, "Our
9 program covers stories on a variety of life
10 issues. After the news that's broken over last
11 month regarding David's team and the Planned
12 Parenthood videos, we'd like to do an episode
13 highlighting the investigation and the appalling
14 information that has been brought into the
15 spotlight."

16 Do you see that?

17 A. I see that.

18 Q. Let's go to the top of the e-mail chain
19 on the page Bates stamped CM 23422.

20 You forwarded this e-mail chain or this
21 e-mail exchange from Ms. Reeves to Mr. Daleiden,
22 correct?

23 A. Correct.

24 Q. You asked Mr. Daleiden, "Should I be
25 sending these to CRC? Troy keeps sending me all

1 kinds of stuff for you and I'm afraid this stuff
2 is going to get lost in the shuffle. If you are
3 paying them they should be able to handle all of
4 this so I will just start forwarding them."

5 Do you see that?

6 A. I see that.

7 Q. CRC is CRC Public Relations, correct?

8 A. Correct.

9 Q. To your knowledge did CMP or
10 Mr. Daleiden hire CRC Public Relations?

11 A. I don't know.

12 Q. As either Mr. Daleiden's public
13 relations support person or CMP's public
14 relations contact person, did you work in
15 collaboration with CRC Public Relations during
16 your time from -- sorry, strike that.

17 As either Mr. Daleiden's public
18 relations person or CMP's public relations
19 contact person, did you work in collaboration
20 with CRC Public Relations in July 2015?

21 MR. ANTHONY: Objection to form.

22 THE WITNESS: What do you mean by
23 "collaboration"?

24 BY MR. HUYNH:

25 Q. Did you exchange information with CRC?

1 A. Yes.

2 Q. What information did you exchange with
3 them?

4 A. I don't recall specifically but
5 specifically press releases and videos and
6 forwarding requests like this, forwarding media
7 requests.

8 Q. Did you do anything else in
9 collaboration with CRC?

10 A. Not that I recall.

11 MR. ANTHONY: Just a second. Objection
12 to form.

13 BY MR. HUYNH:

14 Q. Who at CRC Public Relations did you
15 work in collaboration with in July 2015?

16 MR. ANTHONY: Objection to form.

17 THE WITNESS: I don't recall
18 specifically.

19 BY MR. HUYNH:

20 Q. Did you work with Peter Robbio,
21 R-O-B-B-I-O?

22 A. I probably communicated with him.

23 Q. Do you remember what those
24 communications entailed?

25 A. I do not.

1 Q. Besides Mr. Robbio, did you communicate
2 with anyone else at CRC Public Relations in
3 relation to the CMP undercover videos?

4 MR. ANTHONY: Objection to form.

5 THE WITNESS: Possibly. They have a
6 staff of 40 people so...

7 BY MR. HUYNH:

8 Q. Do you remember any specific names?

9 A. Greg Mueller.

10 Q. Who else?

11 A. That's the only one that comes to mind.

12 Q. After this e-mail exchange with
13 Mr. Daleiden, did you start forwarding media
14 requests for interviews of him to CRC Public
15 Relations?

16 A. Yes, from what I recall.

17 Q. In addition to Mr. Daleiden, who else
18 did you communicate with at CMP?

19 MR. ANTHONY: Objection to form.

20 THE WITNESS: Anna Davin and that's all
21 I remember.

22 BY MR. HUYNH:

23 Q. Do you know if Anna Davin's name is
24 Anna Bettisworth?

25 A. Yes, that's her maiden name.

1 Q. Besides Ms. Bettisworth, you don't
2 recall communicating with anyone else at CMP
3 regarding the videos?

4 MR. ANTHONY: Objection to form.

5 THE WITNESS: Not that I recall.

6 BY MR. HUYNH:

7 Q. So you don't recall communicating with
8 Mr. Newman?

9 A. I didn't know that he was a member of
10 CMP, necessarily, because he was a board member.

11 Q. You knew Mr. Newman was a board member?

12 A. Yes.

13 Q. So looking back at Exhibit 93 at the
14 end of the e-mail chain, so if you turn to the
15 page that is Bates stamped CM 21361, do you see
16 that Mr. Newman e-mailed you?

17 A. I do.

18 Q. So at that point you knew that
19 Mr. Newman was a board member at CMP?

20 A. I do. So he would have been another
21 person that I would have communicated with.

22 Q. Did you communicate with Mr. Rhomberg
23 directly at all? And by Mr. Rhomberg I mean
24 defendant Albin Rhomberg.

25 A. Maybe.

1 Q. Do you recall any specific discussions
2 with Mr. Rhomberg?

3 A. I do not.

4 Q. Do you recall any specific discussions
5 with Mr. Newman?

6 MR. ANTHONY: Objection to form.

7 THE WITNESS: I do not.

8 BY MR. HUYNH:

9 Q. Did you have any communications with
10 Ryan Gonzalez in connection with CMP's undercover
11 videos?

12 MR. ANTHONY: Objection to form.

13 THE WITNESS: Not that I recall.

14 BY MR. HUYNH:

15 Q. To your knowledge what were the goals
16 of CMP?

17 MR. ANTHONY: Objection to form.

18 THE WITNESS: To my understanding the
19 goals of CMP was to expose the reality that
20 Planned Parenthood was harvesting and selling
21 baby body parts.

22 MR. ANTHONY: Brenda, can you mark the
23 transcript for me, please.

24 BY MR. HUYNH:

25 Q. Did you understand that one of the

1 goals of CMP was to cut down on the number of
2 abortions in the country?

3 A. I don't remember.

4 Q. Was one of CMP's goals to turn public
5 sentiment against abortions?

6 A. I think one of the goals of CMP was to
7 expose the reality of the fact that Planned
8 Parenthood was selling and harvesting baby body
9 parts of aborted babies.

10 Q. But was that one of CMP's goals, to
11 turn public sentiment against abortion?

12 A. Yes.

13 Q. Was one of CMP's goals to instigate
14 criminal investigations of Planned Parenthood?

15 A. I don't know.

16 Q. Was one of CMP's goals to provoke
17 congressional investigations of Planned
18 Parenthood?

19 A. I don't know.

20 Q. Was one of the CMP's goals to defund
21 Planned Parenthood?

22 A. To my understanding, yes.

23 Q. Was one of CMP's goals to shut down
24 Planned Parenthood?

25 A. I don't know.

1 Q. Was one of CMP's goals to incite
2 protests against Planned Parenthood?

3 A. I don't know.

4 Q. Was one of CMP's goals to influence
5 legislation against abortion?

6 A. I don't know.

7 Q. Was one of CMP's goals to incite
8 threats against Planned Parenthood?

9 MR. ANTHONY: Objection to form, lacks
10 foundation, argumentative. It's a diatribe.
11 It's beneath the dignity of this witness.

12 THE WITNESS: No, CMP is a peaceful
13 organization.

14 BY MR. HUYNH:

15 Q. Why would you characterize CMP as a
16 peaceful organization?

17 A. Because they are.

18 Q. Why is that?

19 A. David Daleiden is a peace-filled
20 person.

21 MR. ANTHONY: Brenda, would you mark
22 the transcript for me, please.

23 BY MR. HUYNH:

24 Q. And would you describe the other board
25 members of CMP in the same way as you have

1 described Mr. Daleiden?

2 A. I don't know them that well, to be

3 honest.

4 Q. So you don't know Mr. Newman that well?

5 A. I don't.

6 Q. You don't know Mr. Rhomberg that well?

7 A. I do not.

8 Q. You know Mr. Daleiden the best out of

9 the people involved with CMP?

10 A. Yes.

11 MR. ANTHONY: Let's just slow down and
12 let the gentleman get his entire question or
13 remark or commentary on the record. That way
14 Brenda can get it down and then you speak.

15 And then you also take time to allow me
16 to interpose an appropriate objection, if called
17 for.

18 Makes sense?

19 THE WITNESS: Yes.

20 BY MR. HUYNH:

21 Q. Based on your testimony so far, would
22 you say that you were involved in CMP's media
23 strategy in relation to the undercover videos?

24 MR. ANTHONY: Objection to form of the
25 question, overbroad based on your testimony so

1 far.

2 He's giving you a reference point and
3 so you've got to interpret the question in the
4 manner the question is asked. So that's the
5 reference point. Nothing outside of that
6 reference point.

7 THE WITNESS: Can you repeat the
8 question?

9 BY MR. HUYNH:

10 Q. Sure. Based on your testimony so far,
11 would you say that you were involved in CMP's
12 media strategy in relation to the undercover
13 videos?

14 MR. ANTHONY: Same objection.

15 THE WITNESS: Yes.

16 BY MR. HUYNH:

17 Q. What was your role in terms of CMP's
18 media strategy?

19 A. It would have been small. I really
20 wasn't that involved in it but offering my
21 opinion, my thoughts.

22 Q. What opinions or thoughts did you offer
23 to Mr. Daleiden or CMP regarding CMP's undercover
24 videos?

25 MR. ANTHONY: Objection to form.

1 THE WITNESS: I don't recall.

2 BY MR. HUYNH:

3 Q. Who else was involved with CMP's media
4 strategy?

5 MR. ANTHONY: Objection to form.

6 THE WITNESS: CRC Public Relations.

7 BY MR. HUYNH:

8 Q. Anyone else?

9 MR. ANTHONY: Objection to form.

10 THE WITNESS: David Daleiden.

11 BY MR. HUYNH:

12 Q. Anyone else besides CRC Public
13 Relations and Mr. Daleiden that was involved in
14 CMP's media strategy?

15 MR. ANTHONY: Objection to form.

16 THE WITNESS: Not that I recall.

17 BY MR. HUYNH:

18 Q. What was CRC's public relations role in
19 relation to CMP's media strategy?

20 MR. ANTHONY: Objection to form.

21 THE WITNESS: They were running the
22 communications for CMP.

23 BY MR. HUYNH:

24 Q. What does running the communications
25 for CMP mean?

1 A. Writing the press releases, proposing
2 media strategy, pitching out to the media,
3 drafting op eds.

4 Q. So is CRC Public Relations the one who
5 did the initial draft of the press releases in
6 relation to the CMP undercover videos?

7 MR. ANTHONY: Objection to form.

8 THE WITNESS: I'm not sure. I don't
9 know.

10 BY MR. HUYNH:

11 Q. You don't know if Mr. Daleiden was the
12 person who did the initial drafts of the press
13 releases in relation to CMP's undercover videos?

14 A. I don't recall.

15 Q. Did you write any of the initial drafts
16 of CMP's press releases relating to its
17 undercover videos?

18 MR. ANTHONY: Objection to form.

19 THE WITNESS: Not that I recall.

20 BY MR. HUYNH:

21 Q. Did CMP have particular media
22 organizations that it was targeting in relation
23 to CMP's undercover videos?

24 MR. ANTHONY: Objection to form.

25 THE WITNESS: Not that I recall.

1 pitched them about the undercover videos,
2 correct?

3 A. Not that I recall.

4 MR. HUYNH: Why don't we take our lunch
5 break.

6 THE VIDEOGRAPHER: Off video at 1:01
7 p.m.

8 (Whereupon a lunch recess was taken
9 from 1:01 p.m. to 1:54 p.m.)
10

11 AFTERNOON SESSION
12

13 THE VIDEOGRAPHER: Back on video at
14 1:54 p.m.

15 MR. HUYNH: Let's mark this as
16 Exhibit 96. This document is Bates stamped CM
17 03856 to CM 03874.

18 THE WITNESS: (Perusing.)
19 (Bryan Exhibit 96, Document Bates
20 Stamped CM 03856 to CM 03874, was
21 marked for identification.)

22 BY MR. HUYNH:

23 Q. Ms. Bryan, this is a July 13, 2015
24 e-mail from Mr. Daleiden to you and others,
25 correct?

1 A. Correct.

2 Q. In the fourth paragraph of this e-mail
3 Mr. Daleiden writes, "Please find attached CMP's
4 messaging guidelines for internal circulation
5 only, our press kit and several fact sheets to
6 bring you up to speed on various subtopics within
7 fetal trafficking. Be mindful, however, to keep
8 the focus strictly on Planned Parenthood. Our
9 press release is pasted below and our website
10 will be live on www.centerformedicalprogress.org
11 in six hours."

12 Do you see that?

13 A. I do.

14 Q. Who drafted this media kit that
15 Mr. Daleiden attached?

16 A. I don't know.

17 Q. Did you help prepare this media kit for
18 Mr. Daleiden?

19 A. Not that I recall.

20 Q. Did you communicate to the media about
21 information from this media kit?

22 MR. ANTHONY: Objection to form of the
23 question.

24 THE WITNESS: Can you repeat the
25 question?

1 BY MR. HUYNH:

2 Q. Yes.

3 Did you communicate to the media about
4 information from this media kit?

5 MR. ANTHONY: Objection to form.

6 THE WITNESS: Yes.

7 BY MR. HUYNH:

8 Q. Did you verify that any of this
9 information was accurate before you communicated
10 it to the media?

11 A. Any information that I conveyed to the
12 media I would have checked to make sure that it
13 was accurate.

14 Q. How did you check that it was accurate?

15 A. By watching the full footage of the
16 investigative videos that were released.

17 Q. So you watched all the raw footage that
18 CMP took for the project at issue in this
19 lawsuit?

20 MR. ANTHONY: Objection to form.

21 THE WITNESS: CMP released the full
22 footage of all their videos that they released on
23 their website. So yes, I would have.

24 BY MR. HUYNH:

25 Q. You watched all of it?

1 A. I watched all of it that was released

2 publicly on CMP's website.

3 Q. Did that include the raw footage? Let

4 me rephrase that. Sorry.

5 Did that include the unedited footage?

6 A. Of the videos that were released?

7 Q. Yes.

8 A. Yes. CMP, every video that they

9 released, they released the full, unedited

10 footage.

11 Q. And so did you watch the full, unedited

12 footage for every video?

13 MR. ANTHONY: Objection to form. Every

14 video on the website? Is that what you mean?

15 MR. HUYNH: Correct.

16 MR. ANTHONY: Okay, thank you.

17 THE WITNESS: Every video on the

18 website, yes, I would have watched the full

19 footage.

20 BY MR. HUYNH:

21 Q. Let me backtrack a little bit.

22 So on the website, did CMP post the

23 full, unedited versions of the videos?

24 MR. ANTHONY: Objection to form.

25 THE WITNESS: Every video that CMP

1 released publicly, all of their edited versions,
2 they additionally released the full footage of
3 those videos.

4 So yes, I would have watched those
5 videos.

6 BY MR. HUYNH:

7 Q. Let me just try to make sure I
8 understand your answers.

9 So you would have watched the full
10 footage of the videos that CMP released?

11 A. Yes.

12 MR. ANTHONY: Hold on. Objection to
13 form.

14 Go ahead. The answer is yes?

15 THE WITNESS: Yes.

16 BY MR. HUYNH:

17 Q. Did you verify that the videos were
18 properly edited?

19 MR. ANTHONY: Objection to form.

20 THE WITNESS: I don't understand the
21 question.

22 BY MR. HUYNH:

23 Q. Let me rephrase. That was a confusing
24 question.

25 Did you verify that the edited videos

1 A. Not that I recall.

2 MR. HUYNH: Let's mark the next exhibit
3 as 97.

4 THE WITNESS: (Perusing.)
5 (Bryan Exhibit 97, Document Bates
6 Stamped CM 04486 to 89, was marked
7 for identification.)

8 MR. HUYNH: This is a document Bates
9 stamped CM 04486 to 89.

10 BY MR. HUYNH:

11 Q. This is a July 2015 e-mail chain
12 between you and Mr. Daleiden, correct?

13 A. Correct.

14 Q. In the July 6, 2015 e-mail at the top
15 of the chain, Mr. Daleiden attaches a PDF
16 entitled "Messaging Guidelines FT," right?

17 A. That is correct.

18 Q. Mr. Daleiden writes to you in the
19 e-mail, "Here is a draft messaging guide for
20 other pro-life groups. Thoughts, please."

21 Do you see that?

22 A. I see that.

23 Q. Mr. Daleiden asked you for your
24 thoughts on the document entitled "Messaging
25 Guidelines," correct?

1 A. Correct.

2 Q. These guidelines were for other
3 pro-life groups other than CMP, is that right?

4 A. It looks like that is correct.

5 Q. Let's turn to the attached messaging
6 guidelines, Bates stamped CM 04488 to 89.

7 Did you provide Mr. Daleiden any of
8 your thoughts on these messaging guidelines?

9 A. I don't recall but if I had it would
10 have been minor.

11 Q. And what thoughts would you have
12 provided?

13 A. I don't know.

14 Q. Did you tell him that any of this
15 information included in this messaging guidelines
16 was inaccurate?

17 MR. ANTHONY: Objection, lacks
18 foundation that it's inaccurate.

19 Are you talking about a particular
20 claimed inaccuracy, counsel? If not you are
21 asking her to review a two-page document, for the
22 record 488 and 489 of 97.

23 So you probably want to read the entire
24 document.

25 THE WITNESS: (Perusing.)

1 MR. ANTHONY: It was asked three or
2 four times. Why don't we just ask the question
3 once and move on?

4 MR. CONDON: Then we are going to talk
5 about it after? Let's just move on.

6 MR. HUYNH: The record will show what
7 it shows.

8 MR. ANTHONY: Can I write that down?
9 Can you say that again? Can I quote you on that?

10 BY MR. HUYNH:

11 Q. What did you tell media organizations
12 about CMP's editing of their undercover videos?

13 MR. ANTHONY: Objection to form.

14 THE WITNESS: I don't remember.

15 BY MR. HUYNH:

16 Q. Did you tell the media that the editing
17 of CMP's undercover videos was not distorted?

18 A. I don't remember but any conversations
19 that I had with the media, they understand the
20 editing process because they do the same thing in
21 their own media editing for news programs. They
22 understand the editing process so I really didn't
23 have to say that much to them.

24 Q. Did you tell media organizations that
25 CMP edited -- strike that.

1 Did you tell media organizations that
2 CMP's undercover videos was not highly edited?

3 A. It's a matter of public record that
4 they were edited but that CMP always released the
5 full footage so I was always very honest about
6 that with the media.

7 We would suggest that they watch the
8 full footage.

9 Q. You told the media that they should
10 watch the full footage?

11 A. In addition to watching the short
12 versions as well.

13 Q. Did you expect the media to watch the
14 full footage?

15 MR. ANTHONY: Hold on. Objection to
16 form because the media.

17 But go ahead. As you understand the
18 question, you can answer if you have a factual
19 basis. He doesn't want you to guess. He doesn't
20 want you to make up an answer right now.

21 THE WITNESS: My experience with the
22 media is they do their due diligence and so many
23 of the reporters that I spoke with, they wanted
24 to see the full footage and that's why CMP
25 released the full footage alongside the shorter

1 versions.

2 BY MR. HUYNH:

3 Q. Which reporters told that you they
4 wanted to see the full footage?

5 A. I don't recall.

6 Q. Do you recall any questions that the
7 media had for you when you sent them any
8 information about CMP's undercover videos?

9 MR. ANTHONY: Objection to form.

10 THE WITNESS: The only questions that I
11 can recall is for more information but everything
12 was on the CMP website. So we would always
13 suggest that they check out all the documentation
14 and additional footage on the CMP website.

15 BY MR. HUYNH:

16 Q. What specific questions did they ask
17 you besides asking for more information?

18 MR. ANTHONY: Objection to form.

19 THE WITNESS: That's the main one that
20 I would remember. I don't recall any specific
21 questions.

22 BY MR. HUYNH:

23 Q. How about any general questions?

24 MR. ANTHONY: Objection to form.

25 THE WITNESS: A general question that

1 A. I was not.

2 Q. Are you aware that CMP had donors who
3 funded its operations relating to its undercover
4 videos?

5 MR. ANTHONY: Objection, foundation,
6 calls for speculation.

7 THE WITNESS: I don't know how to
8 answer that question.

9 MR. ANTHONY: Or have you heard?

10 THE WITNESS: I just assumed. I would
11 have assumed that they would have donors. I
12 probably heard, yeah.

13 BY MR. HUYNH:

14 Q. So Mr. Daleiden did not tell you that
15 he had donors funding his undercover video
16 project, correct?

17 MR. ANTHONY: Objection to form.
18 That's not what she just said but that's a
19 different question.

20 THE WITNESS: I don't recall any times
21 David telling me that.

22 BY MR. HUYNH:

23 Q. Do you recall any time when any of
24 CMP's board members told you that they had donors
25 funding their operation?

1 A. I don't recall any times.

2 Q. Do you know if CMP had particular
3 people it was targeting for donations.

4 MR. ANTHONY: Objection to form.

5 THE WITNESS: I don't know.

6 MR. HUYNH: Let's mark the next exhibit
7 as 98.

8 THE WITNESS: (Perusing.)

9 (Bryan Exhibit 98, Document Bates
10 Stamped CM 04387, was marked for
11 identification.)

12 MR. HUYNH: This is an e-mail Bates
13 stamped CM 04387.

14 BY MR. HUYNH:

15 Q. This is a July 13, 2015 e-mail that
16 Mr. Daleiden sent to you, correct?

17 A. Correct.

18 Q. Mr. Daleiden writes that he will handle
19 these guys directly. He then proceeds to list a
20 bunch of people, correct?

21 A. Correct.

22 Q. To your knowledge are the people listed
23 here potential donors that Mr. Daleiden was
24 contacting?

25 MR. ANTHONY: Hold on. You mean were

1 they at the time she received the e-mail? Are
2 they now doesn't make sense, counsel. She
3 wouldn't know if they are now. I think you said
4 it in the present tense.

5 BY MR. HUYNH:

6 Q. My question is to your knowledge are
7 the people listed here potential donors that
8 Mr. Daleiden was contacting?

9 A. To my knowledge and the names that I
10 recognize on this list, they are media people.

11 MR. ANTHONY: Can you mark the
12 transcript for me, Brenda.

13 BY MR. HUYNH:

14 Q. Do you know how Mr. Daleiden compiled
15 this list?

16 MR. ANTHONY: Objection to form.

17 THE WITNESS: I do not.

18 BY MR. HUYNH:

19 Q. Do you know how donors learned about
20 CMP?

21 MR. ANTHONY: Objection to form.

22 THE WITNESS: I do not.

23 BY MR. HUYNH:

24 Q. Were e-mails sent to potential donors
25 by Mr. Daleiden?

1 MR. ANTHONY: Objection to form.

2 THE WITNESS: I don't know.

3 BY MR. HUYNH:

4 Q. Was information sent to donors via

5 LISTSERV?

6 MR. ANTHONY: Objection to form.

7 THE WITNESS: I don't know.

8 BY MR. HUYNH:

9 Q. Did you communicate with any potential

10 donors?

11 MR. ANTHONY: Objection to form.

12 THE WITNESS: Not to my knowledge, not

13 that I remember.

14 BY MR. HUYNH:

15 Q. To your knowledge what is the Human

16 Capital Project?

17 MR. ANTHONY: Objection to form.

18 You mean at present?

19 THE WITNESS: Clarification, at

20 present?

21 BY MR. HUYNH:

22 Q. Yes.

23 A. The Human Capital Project was an

24 undercover investigation exposing the truth, the

25 reality that abortion was harvesting and selling

1 baby body parts.

2 Q. What was your understanding of the
3 Human Capital Project in July 2015?

4 A. In July 2015 my understanding was the
5 same; that the Human Capital Project was an
6 investigation, an undercover investigation into
7 the abortion industry.

8 Q. So your understanding of what the Human
9 Capital Project was or is has not changed from
10 July 2015 to the present?

11 A. Correct.

12 Q. Was the Human Capital Project a project
13 conducted by CMP?

14 A. As I understand it, yes.

15 Q. Do you know when the planning for the
16 Human Capital Project began?

17 A. I do not.

18 Q. Whose idea was the project?

19 MR. ANTHONY: Objection to form.

20 THE WITNESS: What project?

21 BY MR. HUYNH:

22 Q. Let me clarify.

23 Whose idea was the Human Capital
24 Project?

25 A. As I understand it, David Daleiden.

1 Q. Anyone else?

2 A. Not to my knowledge.

3 Q. So to your knowledge Mr. Newman was not
4 the genesis of the idea for the Human Capital
5 Project?

6 MR. ANTHONY: Objection, asked and
7 answered. One answer doesn't suggest necessarily
8 the other but that's a separate question. As
9 phrased, it's argumentative. But don't argue the
10 point. Just ask the question as a matter of
11 fact.

12 He doesn't want you to guess and he
13 doesn't even want you to be badgered into
14 adopting what he's saying if it's not true. At
15 least he shouldn't desire that outcome.

16 THE WITNESS: As I understand it and
17 from what I know, David Daleiden is the genesis
18 of the Human Capital Project.

19 BY MR. HUYNH:

20 Q. To your knowledge, is the Human Capital
21 Project complete?

22 MR. ANTHONY: Objection to form.

23 THE WITNESS: I don't know.

24 BY MR. HUYNH:

25 Q. You were involved in the Human Capital

1 Diego?

2 A. That is correct. It wasn't in San

3 Diego.

4 Q. San Jose, sorry.

5 A. No, I met David Daleiden in San Jose in

6 2011. The wedding was in Maryland in May of

7 2015.

8 MR. ANTHONY: Same country though.

9 BY MR. HUYNH:

10 Q. Why did you get involved with the Human
11 Capital Project?

12 MR. ANTHONY: Objection, relevance,
13 calls for a narrative, Objection to form.

14 THE WITNESS: I got involved in the
15 Human Capital Project because I believed that the
16 public deserved to know what the Center for
17 Medical Progress -- the findings that the Center
18 for Medical Progress had come across and I
19 believed that the public deserved to know the
20 truth.

21 BY MR. HUYNH:

22 Q. What was the truth that you wanted the
23 public to know?

24 A. That abortion kills innocent human
25 beings and that the abortion industry was using

1 -- not only exploiting women in those situations
2 but they were using the fetal baby body parts for
3 profit. So they were exploiting women on two
4 circumstances.

5 Q. And when you say abortion industry --

6 MR. ANTHONY: Brenda, can you mark the
7 transcript for me, please.

8 BY MR. HUYNH:

9 Q. And when you say the abortion industry,
10 that includes Planned Parenthood, correct?

11 A. That is correct.

12 Q. So you believed that Planned Parenthood
13 was exploiting women?

14 A. Yes.

15 Q. What evidence do you have that Planned
16 Parenthood was using baby body parts for profit?

17 MR. ANTHONY: Counsel, you don't mean
18 that she has with her today, you mean aside from
19 the videos we've been talking about, anything
20 else? Is that what you're asking about?

21 She didn't bring anything. You've
22 established that. But you're asking what she
23 knows or what she's heard, is that right?

24 MR. HUYNH: We can go with that
25 clarification.

1 A. Yes.

2 Q. Out of those people who were working
3 for CMP, to your knowledge who worked on the
4 Human Capital Project?

5 ANTHONY: Objection to form.

6 THE WITNESS: I don't know.

7 BY MR. HUYNH:

8 Q. Did Mr. Newman work on the Human
9 Capital Project?

10 A. I don't know.

11 Q. Did Mr. Rhomberg work on the Human
12 Capital Project?

13 A. I don't know in what capacity you are
14 asking.

15 Q. In any capacity.

16 A. I don't know.

17 Q. Do you know if Ryan Gonzalez worked on
18 the Human Capital Project?

19 A. I believe he did.

20 Q. And what did Mr. Gonzalez do for the
21 Human Capital Project?

22 A. I believe he was a video editor.

23 Q. So Mr. Gonzalez was the one who edited
24 CMP's undercover videos?

25 MR. ANTHONY: Objection to form. But

1 Q. To your knowledge did CMP create Biomax

2 Procurement Services, B-I-O-M-A-X?

3 A. I don't know.

4 Q. Was Biomax a company that CMP formed?

5 A. I don't know.

6 Q. So you wouldn't know when Biomax was

7 created?

8 A. I don't know.

9 Q. Do you know who came up with the idea

10 to create Biomax?

11 A. I don't know.

12 Q. Were you involved in creating Biomax?

13 A. No.

14 Q. Do you understand that Biomax is a

15 front organization for CMP's undercover

16 investigation?

17 MR. ANTHONY: Objection, lacks

18 foundation, calls for speculation, argumentative.

19 Front organization, I don't know if you

20 want to define that, counsel, but if not then

21 I'll just add that the question is incoherent

22 because it's nondefined.

23 But if you have an idea of what you

24 understand a front organization to be or if you

25 have any foundation for answering the question,

1 to your knowledge?

2 MR. ANTHONY: Objection, argumentative,
3 lacks foundation, calls for speculation.

4 He's not asking for you to speculate
5 into other people's motivations. If you had a
6 motivation -- he wants to know what you know.

7 Don't be badgered into providing an
8 answer that you think he desires just to expedite
9 our exit from this exercise.

10 THE WITNESS: I don't know.

11 BY MR. HUYNH:

12 Q. Did you hear Mr. Daleiden talk about
13 Biomax?

14 A. The only time I ever would have heard
15 David talk about it was after the videos came out
16 in July 2015.

17 Q. What did he say about Biomax?

18 A. I don't recall.

19 Q. Did he say that Biomax is a company
20 that supplies medical researchers with human
21 biological specimens?

22 A. I don't recall.

23 MR. HUYNH: Let's mark the next
24 exhibit. I believe it's Exhibit 99.

25 THE WITNESS: (Perusing.)

1 (Bryan Exhibit 99, Document Bates
2 Stamped CM 00003 and 00004, was
3 marked for identification.)

4 MR. HUYNH: For the record this is
5 Bates stamped CM 00003 to 4.

6 BY MR. HUYNH:

7 Q. Do you know if this is a brochure that
8 Biomax created?

9 A. I don't know.

10 Q. Have you seen this document before?

11 A. Not that I recall.

12 Q. Under "About Biomax" on CMP 00003, it
13 says, "Biomax is a biological specimen
14 procurement organization."

15 Do you know if this statement is true?

16 MR. ANTHONY: Objection to form.

17 THE WITNESS: I don't know.

18 BY MR. HUYNH:

19 Q. It goes on to say, "Biomax provides
20 tissue and specimen procurement for academic and
21 private bioscience researchers."

22 Do you know if this statement was true?

23 MR. ANTHONY: Objection to form.

24 THE WITNESS: I don't know.

25 BY MR. HUYNH:

1 Q. CMP actors in its undercover videos
2 were telling Planned Parenthood employees that
3 Biomax was supplying specimens to researchers,
4 right?

5 MR. ANTHONY: Objection to form.

6 THE WITNESS: Can you repeat that
7 question?

8 BY MR. HUYNH:

9 Q. CMP actors in its undercover videos
10 were telling Planned Parenthood employees that
11 Biomax was supplying specimen's to researchers,
12 correct?

13 MR. ANTHONY: Objection to form.

14 THE WITNESS: I don't remember.

15 BY MR. HUYNH:

16 Q. If you know, who is Susan Tenenbaum?

17 A. I do not.

18 MR. HUYNH: Let's mark this as
19 Exhibit 100.

20 THE WITNESS: (Perusing.)
21 (Bryan Exhibit 100, Copies of
22 California Driver Licenses, was
23 marked for identification.)

24 BY MR. HUYNH:

25 Q. Most of the people who went undercover

1 as Biomax employees for the Human Capital Project

2 used fake names, correct?

3 MR. ANTHONY: Objection to form.

4 THE WITNESS: I don't know.

5 BY MR. HUYNH:

6 Q. So in CMP's videos, did Mr. Daleiden

7 use the name Robert Sarkis?

8 A. I don't remember.

9 Q. In CMP's undercover videos, did Susan

10 Merritt use the name Susan Tanenbaum?

11 A. I don't remember.

12 MR. ANTHONY: Counsel, what was the

13 first name, Merritt?

14 MR. HUYNH: Susan Merritt.

15 MR. ANTHONY: Is it M-E-R-I-T-T?

16 MR. HUYNH: Two Ts, two Rs.

17 BY MR. HUYNH:

18 Q. In CMP's video did Brianna Baxter use

19 the name Brianna Allen?

20 A. I don't know.

21 Q. In CMP's videos, did Anna Bettisworth

22 use the name Rebecca Wagner?

23 A. I don't know.

24 Q. You watched CMP's undercover videos,

25 right?

1 A. Yes.

2 Q. Do you remember what name Anna
3 Bettisworth used?

4 MR. ANTHONY: Objection to form.

5 THE WITNESS: I don't.

6 MR. HUYNH: Let's look at what we
7 marked as Exhibit 100.

8 MR. ANTHONY: 100, got it.

9 BY MR. HUYNH:

10 Q. Are these driver's license David
11 Daleiden and Susan Merritt used to infiltrate
12 Planned Parenthood conferences and facilities?

13 MR. ANTHONY: Objection to form,
14 argumentative. Lacks foundation. If you know
15 and if you understand the meaning that the
16 attorney is attributing in the word "infiltrate."

17 THE WITNESS: I don't know.

18 BY MR. HUYNH:

19 Q. Do you know where Mr. Daleiden or
20 Ms. Merritt obtained these driver's licenses?

21 A. I don't know.

22 Q. Did you have any involvement in
23 Mr. Daleiden and Ms. Merritt obtaining these
24 driver's license you see on Exhibit 100?

25 A. No.

1 Q. Do you know who was involved in
2 obtaining the driver's licenses you see on
3 Exhibit 100?

4 A. No.

5 Q. Have you used a fake ID before?

6 A. No.

7 MR. HUYNH: Let's mark the next exhibit
8 as Exhibit 101.

9 THE WITNESS: (Perusing.)
10 (Bryan Exhibit 101, Copies of Bank
11 of America Visa Cards, was marked
12 for identification.)

13 BY MR. HUYNH:

14 Q. Exhibit 101 is Bates stamped CM 00005
15 and these are Bank of America and Chase debit
16 cards, correct?

17 MR. ANTHONY: Objection to the form of
18 the question. I don't think we are going to be
19 able to actually use these cards. But go ahead.

20 MR. HUYNH: They are pictures of cards.

21 MR. ANTHONY: Now you've got it.

22 THE WITNESS: They look like
23 photocopies of credit cards.

24 BY MR. HUYNH:

25 Q. Have you seen these before?

1 MR. ANTHONY: Objection, relevance
2 unless she takes your word for it, counsel, and
3 that would have to do with some sort of opinion
4 testimony. She's a fact witness. She doesn't
5 know you from Adam so how is she supposed to
6 answer your question?

7 BY MR. HUYNH:

8 Q. Ms. Bryan, do you understand my
9 question?

10 A. I don't.

11 Q. Did Mr. Daleiden tell you that he
12 obtained the cards in false names?

13 A. Not that I recall.

14 Q. Did anyone at CMP tell you that CMP
15 employees obtained fake IDs using false names?

16 A. Not that I recall.

17 Q. Do you know Phil Cronin?

18 A. No.

19 Q. Have you heard his name before?

20 A. Not that I recall.

21 Q. Besides me just saying it.

22 So are you aware that CMP used his name
23 on a Visa debit card?

24 A. No.

25 Q. Have you attended any NAF conferences?

1 A. I don't remember.

2 Q. For the press releases that you wrote
3 for Mr. Daleiden, did you submit it to another
4 public relations individual for review?

5 A. I don't remember.

6 MR. MONAGHAN: If I may interject, let
7 it reflect on the record that Mr. Daleiden has
8 left. I think he's gone to the other deposition
9 going on in this case.

10 MR. HUYNH: Thank you. I didn't
11 notice.

12 MR. ANTHONY: Lost in deep
13 concentration.

14 MR. HUYNH: Let's mark the next exhibit
15 as 103.

16 THE WITNESS: (Perusing.)
17 (Bryan Exhibit 103, Document Bates
18 Stamped CM 05590 through 05592,
19 was marked for identification.)

20 MR. HUYNH: This e-mail is Bates
21 stamped CM 05590 to 92.

22 BY MR. HUYNH:

23 Q. If you look on the page Bates stamped
24 CM 05591, do you see the e-mail on July 10, 2015
25 where Mr. Newman said, "Dear friends of life, for

1 the past three years Operation Rescue has had the
2 privilege of consulting on an ongoing undercover
3 investigation into the abortion cartel. Now we
4 are now ready to release the shocking evidence to
5 the public."

6 Do you see that?

7 A. I see that.

8 Q. Two paragraphs down Mr. Newman wrote,
9 "We want to introduce you to our findings and the
10 project manager before we release it to the
11 national media."

12 Do you see that?

13 A. I see that.

14 Q. Mr. Newman went on to write, "I hope
15 you will join us for this invitation-only
16 conference call."

17 Do you see that?

18 A. I see that.

19 Q. Going to the page Bates stamped CM
20 005590 you responded, "I am so excited for this
21 release. Praying for you and all involved and
22 I'm hoping to be on that call on Monday."

23 Do you see that?

24 A. I see that.

25 Q. The subject line of your e-mail on July

1 10, 2015 at 3:47 p.m. is, "Huge undercover
2 investigation to be released next week. 115 is
3 invited to preview documents before the national
4 press."

5 Do you see that?

6 A. That's the subject line for the entire
7 chain. That's not just my e-mail.

8 Q. Okay, that appears to be the case. The
9 other e-mails don't have a subject line but I
10 think we can assume that that's what the subject
11 line was for the previous e-mails.

12 A. Yes.

13 Q. What is 115 that is referred to in the
14 subject line of this e-mail that we're talking
15 about?

16 MR. ANTHONY: Objection to form.

17 THE WITNESS: It's a coalition of
18 pro-life leaders.

19 BY MR. HUYNH:

20 Q. Who was part of 115?

21 MR. ANTHONY: Objection to form.

22 THE WITNESS: I don't know the entire
23 list.

24 BY MR. HUYNH:

25 Q. Could you please give me the names that

1 you remember?

2 A. Troy Newman, David Daleiden, Father
3 Frank Pavone, Lila Rose.

4 Those are the ones that come to mind.

5 Q. Did you join the call with 115?

6 A. I don't remember.

7 Q. What documents did CMP preview to 115?

8 A. I don't remember.

9 Q. What findings did CMP introduce to 115?

10 A. I don't remember.

11 Q. Do you know if CMP only provided the
12 edited undercover videos of CMP to 115?

13 A. I don't know.

14 Q. Was Mr. Rhomberg part of 115?

15 A. I don't know.

16 Q. Who created 115?

17 MR. ANTHONY: Objection to form.

18 THE WITNESS: I don't know.

19 BY MR. HUYNH:

20 Q. Let's go back to the e-mail Bates
21 stamped CM 05442 to 43. That's Exhibit 94.

22 A. (Perusing.)

23 Q. If it helps, it's one double-sided
24 document.

25 A. There you go.

1 videos, did CMP show them to any law enforcement
2 agency?

3 A. I don't remember.

4 Q. Prior to publishing the videos, did you
5 show the undercover videos of CMP to any law
6 enforcement agency?

7 A. I don't recall doing that.

8 Q. After publishing its undercover videos,
9 did CMP show them to any law enforcement agency
10 to your knowledge?

11 A. I don't know.

12 Q. After publishing CMP's undercover
13 videos, did you show them to any law enforcement
14 agency?

15 A. I don't recall.

16 Q. What social media accounts did CMP
17 have?

18 MR. ANTHONY: Hold on, objection to
19 form.

20 If you know.

21 THE WITNESS: What I remember is that
22 they had a FaceBook, a Twitter account and a
23 YouTube page.

24 BY MR. HUYNH:

25 Q. Did CMP have an Instagram account?

1 A. I don't remember.

2 Q. Did CMP have a blog?

3 A. I don't remember.

4 Q. Who created CMP's FaceBook, Twitter and

5 YouTube accounts?

6 MR. ANTHONY: Objection to form.

7 THE WITNESS: I don't know.

8 BY MR. HUYNH:

9 Q. What was the purpose of these accounts?

10 MR. ANTHONY: Objection to form.

11 BY MR. HUYNH:

12 Q. Actually, let me clarify that.

13 What was the purpose of the social

14 media accounts that CMP created?

15 A. I don't know.

16 Q. Who manages CMP's social media

17 accounts?

18 A. I don't know.

19 Q. Do you manage CMP's social media

20 accounts?

21 A. No.

22 Q. Have you ever managed CMP's social

23 media accounts?

24 A. No. I was an admin on the FaceBook but

25 that was it. I never managed the accounts.

1 Q. What do you mean by admin for the
2 FaceBook account?

3 A. I had access to the back end of the
4 FaceBook account.

5 Q. Were you the one who made decisions on
6 what content to post on CMP's FaceBook account?

7 A. No.

8 Q. Did you have input on what CMP posted
9 on its FaceBook account?

10 MR. ANTHONY: Objection to form.

11 THE WITNESS: Not that I recall.

12 BY MR. HUYNH:

13 Q. Who created the content for CMP's
14 social media accounts?

15 A. I don't remember.

16 Q. What kind of content was posted on
17 CMP's social media accounts?

18 MR. ANTHONY: Objection to form.

19 THE WITNESS: Their videos, press
20 releases. Beyond that I don't recall.

21 BY MR. HUYNH:

22 Q. And the videos that you are referring
23 to are CMP's undercover videos in relation to the
24 Human Capital Project?

25 A. Yes.

1 Q. And the press releases you are
2 referring to is related to CMP's Human Capital
3 Project, correct?

4 A. Correct.

5 Q. Did you see the messages that were
6 posted on CMP's FaceBook account?

7 MR. ANTHONY: Objection to form.

8 THE WITNESS: Yes, some of them.

9 BY MR. HUYNH:

10 Q. And what did these messages say?

11 MR. ANTHONY: Objection to form. You
12 mean the ones that she saw, of course?

13 MR. HUYNH: The ones that you saw.

14 MR. ANTHONY: You remember, obviously,
15 it's more than one. But I think he wants to know
16 generally and then go from there.

17 THE WITNESS: Generally it was a
18 variety of different things. So some people are
19 thanking CMP for their work. Some people are
20 asking questions about where is the full footage
21 or more specific questions.

22 But it was overall pretty basic. There
23 wasn't anything substantial.

24 BY MR. HUYNH:

25 Q. In these messages that the public

1 p.m.

2 (Break taken.)

3 THE VIDEOGRAPHER: Back on video at

4 4:49 p.m.

5 BY MR. HUYNH:

6 Q. What goals did Mr. Daleiden tell you he
7 wanted to accomplish with CMP's undercover
8 videos?

9 MR. ANTHONY: Objection to form.

10 THE WITNESS: I don't remember.

11 BY MR. HUYNH:

12 Q. Did he tell you that he wanted the
13 public to be outraged after watching CMP's
14 undercover videos?

15 MR. ANTHONY: Objection to form.

16 THE WITNESS: I don't recall him saying
17 that.

18 BY MR. HUYNH:

19 Q. Did Mr. Daleiden tell you that he
20 wanted the public to go protest against Planned
21 Parenthood after watching CMP's undercover
22 videos?

23 A. I don't ever remember David saying
24 that.

25 MR. HUYNH: Let's mark as the next

1

1 exhibit as Exhibit 105.

2 THE WITNESS: (Perusing.)

3 (Bryan Exhibit 105, Document Bates

4 Stamped CM 22625, was marked for

5 identification.)

6 MR. HUYNH: This is an e-mail Bates

7 stamped CM 22625.

8 BY MR. HUYNH:

9 Q. This is an July 17, 2015 e-mail from

10 Mr. Newman to you and others, correct?

11 A. Correct.

12 Q. In the third paragraph Mr. Newman wrote

13 to you that, "Our followup videos, in my opinion,

14 will not generate the sort of outrage that our

15 first one has."

16 Do you see that?

17 MR. ANTHONY: Just a second. I'm

18 looking at the top and I'm trying to understand.

19 It's from Troy Newman, actually, to David

20 Daleiden. It looks like everyone else is cc'd.

21 Is that your understanding?

22 MR. HUYNH: That's correct.

23 MR. ANTHONY: Oh, okay. I thought you

24 said that Troy was writing to Kate.

25 MR. HUYNH: And others.

1 A. My goal was public awareness. I
2 believe that the American public deserved to know
3 the truth that was captured on these videos.

4 MR. HUYNH: Let's mark the next
5 document Bates stamped CM 20708 to 17 as
6 Exhibit 106.

7 THE WITNESS: (Perusing.)
8 (Bryan Exhibit 106, Document Bates
9 Stamped CM 20708 through 20717,
10 was marked for identification.

11 MR. HUYNH: For the record,
12 Mr. Daleiden just returned to the deposition.

13 MR. ANTHONY: Just for the record, it
14 looks like a ten-page document marked CM 20708
15 through 17.

16 Counsel, is it just one e-mail chain?
17 Is it all referencing back to Troy Newman who
18 apparently sent it?

19 MR. HUYNH: I'll ask about a specific
20 e-mail.

21 MR. ANTHONY: It looks like it's
22 multiple, now that I look at it.

23 BY MR. HUYNH:

24 Q. You are cc'd at the top of this e-mail
25 chain from Mr. Newman, correct? Your name

1 appears on the sixth line in the cc. field.

2 Do you see that?

3 A. Yes.

4 Q. Mr. Newman wrote, "Yes, this has
5 exceeded our expectations. We are off to a great
6 start. Let's remember the talking points. This
7 is about Planned Parenthood, putting them in
8 jail, defending them, taking down their empire."

9 Do you see that?

10 MR. ANTHONY: Counsel, did you say
11 "defending" or "defunding"?

12 MR. HUYNH: I think I said "defending,"
13 according to the realtime. So let me say that
14 again.

15 MR. ANTHONY: That's what I heard. It
16 says "defunding" them.

17 BY MR. HUYNH:

18 Q. Mr. Newman wrote in this e-mail that,
19 "Yes, this has exceeded our expectations. We are
20 off to a great start but let's remember the
21 talking points. This is about Planned
22 Parenthood, putting them in jail, defunding them,
23 taking down their empire."

24 Do you see that?

25 A. I see that.

1 Q. That's fair.

2 To your knowledge, by releasing the
3 undercover videos, CMP's goal was to put Planned
4 Parenthood employees in jail?

5 MR. ANTHONY: Objection to form, lacks
6 foundation, calls for speculation.

7 How would she know?

8 THE WITNESS: I don't know.

9 BY MR. HUYNH:

10 Q. By releasing the undercover videos
11 CMP's goal was to put abortion doctors in jail?

12 MR. ANTHONY: Same objection.

13 MR. MONAGHAN: Objection, speculation.

14 THE WITNESS: I don't know.

15 BY MR. HUYNH:

16 Q. To your knowledge, by releasing its
17 undercover videos CMP's goal was to defund
18 Planned Parenthood?

19 MR. ANTHONY: Same objection.

20 THE WITNESS: I don't know.

21 MR. HUYNH: Exhibit 107.

22 THE WITNESS: (Perusing.)

23 (Bryan Exhibit 107, Document Bates

24 Stamped CM 20807 through 20828,

25 was marked for identification.)

1 MR. HUYNH: For the record, this is
2 Bates stamped CM 20807 to 20828 and it's an
3 e-mail chain.

4 MR. ANTHONY: For the record, it's a
5 22-page document which it looks on my reading to
6 be constituted of several e-mails, right?

7 MR. HUYNH: Yes.

8 MR. ANTHONY: I don't think you would
9 call this a single chain but different e-mails?

10 MR. HUYNH: You can describe it like
11 that.

12 MR. ANTHONY: Okay.

13 BY MR. HUYNH:

14 Q. Ms. Bryan, for your reference I'm going
15 to refer you to the e-mail that's on page 20807
16 to 08, so the first two pages. So looking at the
17 bottom of the first page, Bates stamp CM 20807,
18 this is a July 27, 2015 e-mail from you to a list
19 of individuals which includes Troy Newman, David
20 Daleiden and Albin Rhomberg, correct?

21 MR. ANTHONY: Hold on. I want to
22 identify on the record definitely that it's from
23 Kate to someone named Steven Ertelt, E-R-T-E-L-T,
24 and then numerous individuals who are cc'd,
25 including the ones that counsel referenced, and

1 others that are blacked out so we don't know who.

2 THE WITNESS: It looks to me like I've
3 responded to an e-mail chain that was already
4 going which was the 20-some pages with all those
5 people on it.

6 BY MR. HUYNH:

7 Q. In this e-mail you sent a link to an
8 article from thehill.com, correct?

9 A. Correct.

10 MR. HUYNH: Exhibit 108.

11 THE WITNESS: (Perusing.)
12 (Bryan Exhibit 108, Article
13 Entitled Anti-Abortion Hackers
14 Claimed to Have Hit Planned
15 Parenthood, was marked for
16 identification.)

17 BY MR. HUYNH:

18 Q. The article that you sent a link to in
19 your e-mail is entitled "Anti-Abortion Hackers
20 Claimed to Have Hit Planned Parenthood."

21 Is that right?

22 A. That's not what the article says.

23 Q. You're correct. Is the article
24 entitled "Anti-Abortion hackers," there's a word
25 that's cut off, "breached Planned Parenthood"?

1 videos CMP posted on-line?

2 A. Can you repeat the question?

3 Q. Yes. Were you involved in planning any
4 protests or rallies related to the undercover
5 videos CMP posted on-line?

6 A. I don't think so. Not that I recall.

7 Q. Do you know if CMP was involved in
8 planning any protests or rallies related to the
9 undercover videos it posted on-line?

10 A. I don't know.

11 Q. Do you know if Mr. Daleiden was
12 involved in planning any protests or rallies
13 related to the undercover videos CMP posted
14 on-line?

15 A. I don't know.

16 Q. The same question for Ms. Merritt?

17 A. I don't know.

18 Q. The same question for Mr. Rhomberg?

19 A. I don't know.

20 Q. Same question for Mr. Newman?

21 A. I don't know.

22 Q. Have you heard about the shooting at a
23 Planned Parenthood center in Colorado Springs in
24 2015?

25 A. Yes.

1 BY MR. HUYNH:

2 Q. Do you remember when CMP released that
3 statement?

4 A. I do not.

5 Q. Do you know the title of that
6 statement?

7 A. I do not remember.

8 Q. Do you remember what the statement from
9 CMP specifically said?

10 A. I do not.

11 MR. HUYNH: Let's mark Exhibit 109.

12 THE WITNESS: May I get some water real
13 quick?

14 MR. HUYNH: Sure.

15 THE WITNESS: (Perusing.)

16 (Bryan Exhibit 109, Document Bates
17 Stamped CM 21300 through CM 21301,
18 was marked for identification.)

19 BY MR. HUYNH:

20 Q. This e-mail chain is Bates stamped CM
21 21300 to CM 21301. This is a July 16, 2015
22 e-mail chain between you, Mr. Daleiden, Ashley
23 Baldwin and Anna Bettisworth Davin, correct?

24 A. Davin, yes, that is correct.

25 Q. At 12:59 a.m. Mr. Daleiden wrote, "I

1 would like to do a conference call with everyone
2 here to assess what's happened thus far, analyze
3 where PP's messaging and strategy is heading,
4 determine how we can neutralize their talking
5 points and evolve our own and how to leverage all
6 of the momentum we are generating towards
7 successful, substantial and damaging law
8 enforcement and congressional action."

9 Do you see that?

10 A. Yes, I see that.

11 Q. At the top of this e-mail chain at 8:43
12 p.m. you wrote, "David, let's pick a time
13 tomorrow to talk. Your A team is ready to rock.
14 When works for you?"

15 Do you see that?

16 A. Yes, I see that.

17 Q. Were you part of Mr. Daleiden's A team?

18 A. The A team is Ashley and I'm an
19 honorary part of the A team, so yes.

20 Q. What did this A team that consisted of
21 Ms. Baldwin, Ms. Davin and you do?

22 A. We're friends with David, so we
23 supported him as friends.

24 Q. Did this A team support Mr. Daleiden
25 with respect to CMP's undercover videos?

1 MR. MONAGHAN: Objection, vague, form.

2 THE WITNESS: Yeah, I don't understand

3 what you are asking.

4 BY MR. HUYNH:

5 Q. Did this A team help Mr. Daleiden with

6 respect to his release of CMP's undercover

7 videos?

8 MR. ANTHONY: Object to the form of

9 "the team." The question is compound and complex

10 because there are apparently different actors

11 that you are bringing into the question.

12 Do you want to ask her about her

13 understanding of what the A team did?

14 BY MR. HUYNH:

15 Q. It's always to your understanding.

16 A. To my understanding we supported him as

17 friends and listened to what he had to say and

18 prayed for him.

19 Q. Besides listening to what Mr. Daleiden

20 had to say and praying for him with regards to

21 CMP's undercover videos, did you do anything else

22 to support him?

23 MR. ANTHONY: You mean she personally?

24 When you say "you" are you talking about Kate

25 personally or the three members of the A team?

1 I think you used the word "you" which
2 could have a singular or collective meaning.

3 MR. HUYNH: That's a fair point,
4 counsel. Let me repeat the question.

5 BY MR. HUYNH:

6 Q. Besides listening to what Mr. Daleiden
7 had to say and praying for him with regards to
8 CMP's undercover videos, did this A team do
9 anything else to support him?

10 MR. ANTHONY: To her knowledge.

11 He wants to know what you know about
12 what the A team did and I guess the individual
13 members that constitute the A team.

14 THE WITNESS: To my knowledge we did
15 that, but then also just we've all been involved
16 in the pro-life movement in the past so we would
17 just kind of talk through generally about what we
18 saw going on in the culture.

19 BY MR. HUYNH:

20 Q. To your knowledge did this A team
21 provide Mr. Daleiden feedback about CMP's
22 undercover videos?

23 MR. ANTHONY: Same objection as before.

24 THE WITNESS: Probably.

25 BY MR. HUYNH:

1 Q. To your knowledge did this A team
2 provide Mr. Daleiden advice about the release of
3 CMP's undercover videos?

4 MR. ANTHONY: Same objection.

5 THE WITNESS: Could you repeat the
6 question? You say advice?

7 BY MR. HUYNH:

8 Q. To your knowledge did the A team
9 provide Mr. Daleiden advice about the release of
10 CMP's undercover videos?

11 MR. ANTHONY: Same objection.

12 THE WITNESS: Probably.

13 BY MR. HUYNH:

14 Q. What feedback did this A team provide
15 Mr. Daleiden about the release of CMP's
16 undercover videos?

17 A. I don't recall.

18 Q. What feedback did this A team provide
19 Mr. Daleiden about CMP's undercover videos?

20 MR. ANTHONY: Same objection.

21 THE WITNESS: I don't recall.

22 BY MR. HUYNH:

23 Q. Did you end up having this update call
24 referred to in this e-mail with Mr. Daleiden?

25 A. I think so.

1 Q. Do you see in this particular e-mail
2 from Mr. Daleiden he refers to Planned Parenthood
3 in the first paragraph?

4 A. Yes.

5 Q. In the third paragraph there I was just
6 reading do you see where it says PP?

7 A. Yes, PP's messaging and strategy.

8 Q. Does PP refer to Planned Parenthood?

9 A. I would assume so.

10 MR. HUYNH: Let's take a final break
11 and we can finish up.

12 THE VIDEOGRAPHER: Off video at 5:40
13 p.m.

14 (Break taken.)

15 THE VIDEOGRAPHER: Back on video at
16 5:53 p.m.

17 BY MR. HUYNH:

18 Q. Did you do any public relations work
19 for Biomax?

20 A. Not to my knowledge.

21 Q. Have you done any work for Operation
22 Rescue?

23 A. Not to my knowledge.

24 Q. Have you done any work for Mr. Newman?

25 A. Not that I recall.

1 Q. What have you done for CMP since 2015?

2 MR. ANTHONY: Calls for a narrative. I

3 think a lot of the testimony over the last

4 six-plus hours relates to that so I don't want

5 her to summarize that.

6 Why don't you summarize what you

7 already testified to, if you can, in response to

8 that and if there's anything else.

9 THE WITNESS: Yes, I was their

10 publicist.

11 BY MR. HUYNH:

12 Q. And how long were you CMP's publicist?

13 MR. ANTHONY: I believe that has been

14 asked and answered but go ahead.

15 THE WITNESS: Approximately two years.

16 BY MR. HUYNH:

17 Q. And that would be two years from July

18 2015, correct?

19 A. Correct.

20 Q. How would you characterize your current

21 relationship with Mr. Daleiden?

22 A. We are friends.

23 Q. Do you currently have any business

24 relationship with Mr. Daleiden?

25 A. No.

1 about CMP's undercover videos today?

2 A. No.

3 Q. What did you talk to Mr. Daleiden about
4 today?

5 A. My flight from Detroit.

6 Q. Anything else?

7 A. Not really. Just friends catching up.

8 We said hello and that's it.

9 MR. ANTHONY: It was a twilight flight,
10 wasn't it?

11 THE WITNESS: We did talk about
12 twilight and the movies.

13 BY MR. HUYNH:

14 Q. Have you spoken with Mr. Newman about
15 this lawsuit -- strike that.

16 Have you spoken with Mr. Newman about
17 this lawsuit?

18 A. Not that I recall.

19 Q. Have you spoken to Mr. Rhomberg about
20 this lawsuit?

21 A. Not that I recall.

22 Q. Have you spoken with any other
23 defendants in this case about this lawsuit?

24 A. Not that I recall.

25 Q. Have you read the complaint in this

1 MR. ANTHONY: Or ever?

2 THE WITNESS: Not really except that

3 he's a CMP board member, so maybe that.

4 BY MR. HUYNH:

5 Q. From July 2015 and on, about how often

6 did you communicate with Mr. Rhomberg?

7 MR. ANTHONY: Objection to form.

8 THE WITNESS: Very rarely.

9 BY MR. HUYNH:

10 Q. And when you did communicate with

11 Mr. Rhomberg, what did you discuss with him?

12 A. I don't recall.

13 Q. Was your communication with

14 Mr. Rhomberg over the phone?

15 A. Yes.

16 Q. Were any of your communications by

17 e-mail with Mr. Rhomberg?

18 A. Not that I remember.

19 Q. Were any of your communications with

20 Mr. Rhomberg by text message?

21 A. I don't think so.

22 Q. By social media?

23 A. I don't think so.

24 Q. Have you met Mr. Newman before?

25 A. Troy Newman?

1 Q. Yes.

2 A. Yes.

3 Q. When did you first meet him?

4 A. I don't remember.

5 Q. Do you remember where you first met
6 him?

7 A. I do not.

8 Q. How would you characterize your current
9 relationship with Mr. Newman?

10 MR. MONAGHAN: Objection, vague.

11 THE WITNESS: I don't really have one.

12 BY MR. HUYNH:

13 Q. Have you ever had a professional
14 relationship with Mr. Newman?

15 MR. MONAGHAN: Objection, vague.

16 THE WITNESS: No, except that he was a
17 CMP board member.

18 BY MR. HUYNH:

19 Q. From July 2015 on, about how often did
20 you communicate with Mr. Newman?

21 A. Pretty rarely.

22 Q. By very rarely do you mean less than
23 ten times?

24 A. Sorry, what was the timeframe again?

25 Q. July 2015.

1 A. Until now?

2 Q. Yes.

3 A. I would say it was more than ten.

4 Q. More than 20?

5 A. Maybe.

6 Q. More than 30? I'm just trying to get a

7 range here.

8 A. Probably not, no.

9 Q. So between 20 and 30 you think?

10 A. Yes.

11 Q. What did you communicate about with

12 Mr. Newman in these 20 to 30 times you spoke with

13 him?

14 MR. ANTHONY: Objection to form.

15 THE WITNESS: Mainly just the media

16 requests that he was forwarding me that you

17 brought up earlier.

18 BY MR. HUYNH:

19 Q. Did you communicate with Mr. Newman by

20 text message in July 2015 and on?

21 A. Not that I remember.

22 Q. Did you communicate with Mr. Newman on

23 social media from July 2015 and on?

24 A. Not that I remember.

25 Q. Have you met Susan Merritt?

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 -----+

4 PLANNED PARENTHOOD |
5 FEDERATION OF AMERICA, |
6 INC., et al, |

7 Plaintiffs, | Case Number:

8 vs. | 3:16-cv-00236

9 THE CENTER FOR MEDICAL |
10 PROGRESS, et al, |

11 Defendants. |

12 -----+

13 CONFIDENTIAL - ATTORNEYS' EYES ONLY

14 Videotaped Deposition of

15 PETER R. ROBBIO

16 in Arlington, Virginia

17 taken on Thursday, April 11, 2019

18 9:34 a.m.

19
20
21
22
23 Job No. 158908

24 Reported by: Laurie Donovan, RPR, CRR, CLR

25

1 it was Mr. Daleiden or the Center for Medical
2 Progress that was a client of CRC Public Relations
3 at any time?

4 A I don't.

5 Q Okay. You did -- it is true that you,
6 in your capacity at CRC Public Relations, worked
7 with Mr. Daleiden at least in 2015; is that
8 correct?

9 A Correct.

10 Q Okay, but you're not sure who exactly
11 was the client; am I understanding correctly?

12 A I was instructed to help David Daleiden
13 and Center for Medical Progress garner media
14 attention, so that's, that's what I did, just
15 that. Sorry.

16 Q And is it -- as I understand it, you
17 also are just not sure whether Mr. Daleiden
18 formally remains former -- excuse me -- formally
19 remains a client of CRC Public Relations; is that
20 correct?

21 A Correct.

22 Q And likewise, you don't, you don't know
23 whether the Center for Medical Progress formally
24 remains a client of CRC Public Relations; is that
25 correct?

1 A That is correct.

2 Q Okay.

3 (Discussion was held off the
4 record.)

5 BY MR. KAMRAS:

6 Q In 2015, at that time you were a senior
7 vice president at CRC Public Relations, correct?

8 A Correct.

9 Q Okay. Were there any other -- well,
10 strike that. One moment.

11 Have you heard of Creative Response
12 Concepts?

13 A Yes.

14 Q Okay. Creative Response Concepts, Inc.?

15 A I think I've, yeah, I've read that
16 phrase somewhere, yes.

17 Q Okay. Do you -- does Creative Response
18 Concepts have any relationship to CRC Public
19 Relations?

20 A I mean I, I'm not -- I don't, I don't
21 have an understanding of, you know, corporate
22 documents or structure, but it's my, you know,
23 casual understanding that it's -- that's CRC,
24 that's us.

25 Q Okay, and that's really what I want to

1 to two and a half years, so that gets us to
2 roughly 1990 or maybe 1991?

3 A Correct.

4 Q And what did, what did you do after
5 that?

6 A Worked for a company called Stanley
7 Bostitch.

8 Q Stanley Bostitch?

9 A Yes.

10 Q What does that company do?

11 A Well, it does a lot of things, but I
12 worked for the division that sold pneumatic
13 construction power tools.

14 Q And was that in a media relations
15 capacity?

16 A No. I was a sales rep.

17 Q Okay. How long were you there?

18 A Until about '93, '94.

19 Q What -- where did you go next?

20 A Well, so, so during that time, I -- it
21 was semi-paid or unpaid. I ran a number of
22 campaigns from '90, early '92 through 1995 in New
23 Hampshire, political campaigns, one for alderman,
24 for Tim Reiniger, and another one for state
25 senate, Richard Donnay.

1 Q And then also in connection with Pat

2 Buchanan's --

3 A And then --

4 Q -- presidential campaign?

5 A And then from there I was hired by Pat

6 Buchanan's presidential campaign in 1995. It

7 might have been even late '94. Sorry.

8 Q And you were -- in what capacity were

9 you serving with Mr. Buchanan's presidential

10 campaign?

11 A I was the campaign manager for New

12 Hampshire.

13 Q And I meant to look this up, but I

14 failed to. I generally don't remember how, how

15 Mr. Buchanan fared in the New Hampshire campaign.

16 A You don't?

17 Q I don't.

18 A It was his only victory.

19 Q Okay. Congratulations.

20 A Thank you.

21 Q And I, and I apologize.

22 A That's all right.

23 Q I don't mean that as an insult in any

24 way. So --

25 A I should, should clarify. His only

1 electoral victory. He won a -- I think he won a
2 caucus in Alaska or Louisiana before that, but --
3 sorry.

4 Q No problem.

5 A I don't want to exaggerate.

6 Q So did -- so how long did you stay
7 working with the Buchanan campaign? When did you
8 end your job there?

9 A The, the primary was in February of
10 1996, and, and I stayed in New Hampshire after
11 that. I moved on to, to work as the deputy chief
12 of staff to the governor of New Hampshire.

13 Q Who was that?

14 A Steve Merrill, M-E-R-R-I-L-L.

15 Q Am I correct that you were -- just
16 backing up for a moment -- that you were with the
17 Buchanan campaign until I suppose such time as the
18 Buchanan campaign ended?

19 A No.

20 Q Okay.

21 A Well, clarification. Until the Buchanan
22 campaign ended in New Hampshire. It went on
23 nationally, but I, I stayed back.

24 Q I see. You -- so you weren't -- why is
25 it that you did not continue working on the

1 Buchanan campaign beyond New Hampshire?

2 A I don't know, really. Probably a number
3 of factors, but I can't put my -- I don't know the
4 exact reason.

5 Q Okay, but once it ended in New Hampshire
6 and you got your victory --

7 A Yeah.

8 Q -- you, you left the campaign and you
9 stayed in New Hampshire?

10 A Correct.

11 Q Okay, and how long were you serving as
12 deputy chief of staff?

13 A Until the end of his term, which was
14 probably January of 1997. He decided not to run
15 for reelection, so . . .

16 Q Okay. What was next?

17 A From there I did a number of different
18 consulting work for nonprofits and political
19 campaigns.

20 Q What -- was Mr. Merrill, was he a
21 Democrat or a Republican or independent?

22 A He's a Republican.

23 Q Okay. So you said you had done -- you
24 did -- after leaving or after Mr. Merrill decided
25 to not seek reelection, you then did work for some

1 nonprofits and some political consulting.

2 How long did you do that?

3 A I did that until the year 1999.

4 Q Is that when you joined CRC?

5 A No. I worked on the Forbes campaign.

6 Q How long did you work on the Forbes
7 campaign?

8 A And, and just a clarification.

9 Technically, the Forbes campaign, I was a
10 consultant, so I wasn't an employee of the
11 campaign, so it was basically the same type of
12 work before that, and I was on that until February
13 of 2000.

14 Q Why did you choose to join the Forbes
15 campaign as a consultant or work for them as a
16 consultant?

17 A I liked Steve Forbes' positions.

18 Q On anything in particular?

19 A I thought he would make a great
20 president. He had -- he wanted to privatize --
21 well, he wanted to eliminate the income tax and
22 replace it with a flat tax. Yeah, he had a number
23 of other really great positions.

24 Q Okay. You worked on that campaign until
25 February of 2000?

1 A Correct. I was a consultant for them

2 until February of 2000, yes.

3 Q And then what was next?

4 A I, I frankly just took some time off,
5 but I did do a bit of contract work for CRC that
6 summer, and then they offered me a job in August
7 of 2000.

8 Q And have you been with CRC since August
9 of 2000?

10 A Correct.

11 Q Okay. Backing up to the consulting work
12 that you conducted after, after you were with
13 Mr. Merrill, do you recall the nonprofits or, or
14 organizations that you did consulting work for?

15 A Sure.

16 MR. STRAWBRIDGE: Let me just
17 caution the witness here.

18 You may answer that question to the
19 extent that you're revealing, you know, work
20 you did for nonprofit associations and, and
21 entities for which your work was public, but
22 in order to protect the associational privacy
23 of those clients and third parties, do not
24 disclose relationships or work that you did
25 that is not public.

1 recall?

2 A No.

3 Q Okay. Who were the two state senate
4 candidates in New Hampshire?

5 A Timothy Reiniger and Patricia Krueger.

6 Q Okay, and this was -- go ahead.

7 A Sorry, sorry. I, I did do some work --
8 I was on the payroll for a gentleman running for
9 governor. I feel kind of bad. I can't remember
10 his name.

11 Q This was in New Hampshire?

12 A Yes. Jim Rubens.

13 Q Okay, great.

14 A Sorry.

15 Q No. Thank you.

16 So you began contract work for CRC in,
17 in 2000, and you were offered a job in August of
18 2000.

19 What was your title, if you can recall,
20 in, when you first started in August of 2000?

21 A Account executive.

22 Q What are the responsibilities or what
23 were your responsibilities as an account
24 executive?

25 A To, to help generate media coverage for

1 clients.

2 Q How long were you in that role?

3 A I, I honestly just don't, don't recall
4 the actual transitions, but I can list you the
5 various transitions.

6 Q Sure. What was your next position?

7 A Senior account executive.

8 Q And what was after senior account
9 executive?

10 A Account manager.

11 Q And what position did you have after
12 account manager?

13 A I, I really don't remember if there's a
14 senior account manager anymore or if there was one
15 back then. I just don't recall. I'm sorry, but
16 possibly senior account manager.

17 Q And what came after senior -- well,
18 account manager or senior account manager?

19 A Vice president of accounts.

20 Q And what was your title after vice
21 president of accounts?

22 A Senior vice president.

23 Q Of accounts?

24 A Just senior vice president.

25 Q Senior vice president, which is your

1 current title?

2 A Correct.

3 Q Okay, so, and you --

4 A Can I interrupt?

5 Q Go ahead.

6 A If we're going to get into, you know,

7 all my duties and it's going to be a while, I

8 would like to take a break.

9 MR. KAMRAS: Okay. Great. Let's

10 take a break.

11 THE VIDEOGRAPHER: All right. The

12 time is 10:39. We are going off the record.

13 (Whereupon, a short recess was

14 taken.)

15 THE VIDEOGRAPHER: The time is

16 10:49. We are back on the record.

17 BY MR. KAMRAS:

18 Q Welcome back, Mr. Robbio.

19 A Thank you.

20 Q You understand you're still under oath?

21 A Yes.

22 Q Okay. At the -- I want to focus on the

23 period 2015. Do you recall what your title was in

24 2015?

25 A Senior vice president.

1 Q Okay, your current title?

2 A Correct.

3 Q Okay, and what are your responsibilities
4 at senior vice president?

5 A To garner as much media attention as I
6 can for my clients.

7 Q And how do you do that? How do you
8 garner media attention for your clients?

9 A I review their goals and their assets,
10 their strengths and weaknesses, and come up with a
11 strategic plan to present it to the media. Also
12 understand the current news cycles so that that
13 can be -- you know, so we can help get them more
14 media attention.

15 Q Anything else that comes to mind?

16 A I supervise employees. I train them and
17 assist them in doing the same, yeah.

18 Q Okay, and so in connection now
19 specifically with the Center for Medical Progress
20 and Mr. Daleiden, when do you -- what is the
21 earliest point that you recall becoming aware of
22 Mr. Daleiden?

23 MR. STRAWBRIDGE: Object to the
24 form of the question.

25 THE WITNESS: I was introduced to

1 David over email in early July 2015.

2 BY MR. KAMRAS:

3 Q Early -- I'm sorry. Did you say early
4 July?

5 A Early July of 2015.

6 Q Had you known of Mr. Daleiden before
7 this email introduction?

8 A No.

9 Q Had you heard of his name?

10 A No.

11 Q Had you heard -- prior to this email
12 introduction, had you heard of the Center for
13 Medical Progress?

14 A No.

15 Q Had you, had you heard of Biomax prior
16 to this email introduction?

17 A No.

18 Q Who, who did this, this email come from
19 in early July of 2015? Who sent it?

20 MR. STRAWBRIDGE: Object to the
21 form of the question.

22 THE WITNESS: Greg Mueller.

23 BY MR. KAMRAS:

24 Q And was anyone else copied on the email
25 other than Mr. Mueller and yourself?

1 A I don't recall.

2 Q Do you, do you recall whether
3 Mr. Daleiden was copied on the email?

4 A Oh. Sorry. Yes.

5 Q So the email was from Mr. Mueller to
6 you, copying Mr. Daleiden, correct?

7 A Correct.

8 Q And do you recall whether there was
9 anyone else in any way that was on that email?

10 MR. STRAWBRIDGE: Object to the
11 form of the question.

12 THE WITNESS: That's what I, I
13 don't recall. I don't recall anyone else.

14 BY MR. KAMRAS:

15 Q And what -- did you understand, upon
16 receiving that email in early July 2015, that
17 Mr. Daleiden was at that time a client of CRC
18 Public Relations?

19 MR. STRAWBRIDGE: Object to the
20 form of the question.

21 THE WITNESS: I understood that
22 email to mean that we would -- that I would
23 be engaged in getting him media attention,
24 period.

25

1 BY MR. KAMRAS:

2 Q And did you have any understanding with
3 respect to whether the Center for Medical Progress
4 was also to be -- strike that.

5 Did you have any understanding about
6 whether you were also to be engaged in garnering
7 media attention for the Center for Medical
8 Progress?

9 A From that email?

10 Q Yes.

11 A No.

12 Q Did you have that understanding from any
13 other source?

14 A In subsequent emails I was explained,
15 you know, the project. It's -- my recollection of
16 that was just, you know, "Pete, meet David. David
17 is, you know, going to be working with us," that
18 type of -- and that language. I'm not sure what
19 the exact language was.

20 Q Okay. So your understanding is that
21 Mr. Mueller had had some prior discussion or
22 meeting with Mr. Daleiden prior to sending this
23 email to you?

24 A I don't know for sure, but that's a safe
25 assumption.

1 Q Okay, and Mr. Mueller was directing
2 you -- was informing you that you would have --
3 that you were going to be engaged in work with
4 Mr. Daleiden?

5 A Correct.

6 Q Okay, and so you received that email,
7 and what happened next with respect to your work
8 with Mr. Daleiden?

9 A I, I don't recall the exact steps, but
10 the procedure would have been to, you know,
11 inquire about his project and what we, what we,
12 what we would be promoting to the media.

13 Q How did you -- how is it that you
14 discussed these matters with Mr. Daleiden? Was it
15 in person, by phone, by email?

16 MR. STRAWBRIDGE: Object to the
17 form of the question.

18 THE WITNESS: It was either over
19 email or over conference calls.

20 BY MR. KAMRAS:

21 Q And as we, we discussed earlier, the
22 first of the videotapes was released July --
23 publicly released July 14, 2015.

24 Can you tell me approximately how much
25 before that date this email that we've been

1 discussing would have been?

2 A I don't recall the exact day, and I
3 don't recall when July 4th happened that year,
4 so -- but it would have been, you know, perhaps
5 around the 6th or the 7th, but I, I just don't
6 recall the exact date.

7 Q Do you recall that it was after July 4?

8 A I do.

9 Q So in the subsequent conversations and
10 emails, did you, in fact, inquire about
11 Mr. Daleiden's project?

12 MR. STRAWBRIDGE: Object to the
13 form of the question.

14 THE WITNESS: I guess -- no, I
15 didn't inquire. I mean it was presented to
16 me, so I don't want to . . .

17 BY MR. KAMRAS:

18 Q Okay. It was presented to you by
19 Mr. Daleiden?

20 A Oh. It's not -- I, I don't recall if
21 Mr. Daleiden presented to me the project or if I
22 received the, the first information about the
23 project from Greg Mueller.

24 Q So what information did you receive from
25 Mr. Mueller about the project?

1 A That there were videos and that we would
2 be sharing with the media.

3 Q Did you have any understanding whether
4 Mr. Daleiden or the Center for Medical Progress
5 was a paying client of CRC Public Relations?

6 A I assumed they were, but I, I never saw
7 an invoice or, or, you know, saw anything like
8 that.

9 Q With a typical client, would it have
10 been normal and customary in your practice to see
11 an invoice if they were a paying client?

12 A I've rarely seen an invoice at CRC.

13 Q For any client?

14 A For any client.

15 Q Okay. So Mr. Mueller said that there
16 were videos that we, we -- I assume you mean CRC
17 Public Relations -- would be sharing with the
18 media, correct?

19 A Mm-hmm.

20 Q Did he provide you any more information
21 about the subject of the videos?

22 A I don't have a recollection of, of what
23 exactly he said, but I have to -- yes.

24 Q Can you provide me any information about
25 what he said?

1 A I don't. I'm sorry. I don't.

2 Q Okay. Did you understand that the
3 videos concerned -- did you understand at the
4 time, when Mr. Mueller was first presenting this
5 engagement to you, that the videos concerned
6 Planned Parenthood?

7 A I, I don't recall him using the words
8 "Planned Parenthood."

9 Q Do you --

10 A Sorry. Not sorry, but . . .

11 Q That's fine. You recall what you can
12 recall.

13 Do you -- did he use, that you recall,
14 some other word that in some way refers to Planned
15 Parenthood?

16 A I think -- I'm sorry. I just don't
17 remember the, the exact conversation, and, and I
18 don't recall if it was the first press release
19 that I received or through a phone conversation
20 what the, the actual subject matter of the videos
21 were.

22 Q Okay. Did you understand from
23 Mr. Mueller whether the videos concerned abortion?

24 A Yes.

25 Q Did you understand at that time what

1 more, if anything, it concerned other than
2 abortion?

3 A Yes.

4 Q And what was that?

5 A That they were -- they concerned the,
6 the sale of baby body parts.

7 Q Was that a phrase that was used by
8 Mr. Mueller, "the sale of baby body parts"?

9 A I, I heard him say that.

10 Q Is that a phrase that you used on that
11 first call when -- or let me strike that.

12 Was that a phrase that he used when he
13 was first presenting the subject of the engagement
14 to you?

15 A It's -- I'm unsure if he used that
16 phrase or used something like "hearts, lungs and
17 livers" or something like that as well. I just
18 don't, don't recall the exact conversation.

19 Q Meaning he may have used a phrase like
20 "the sale of hearts, lungs and livers"? Is that
21 what you're saying?

22 MR. STRAWBRIDGE: Object to the
23 form of the question.

24 THE WITNESS: Yes.

25

1 BY MR. KAMRAS:

2 Q Do you recall whether Mr. Mueller said
3 anything else about the subject matter of the
4 videos in those early conversations?

5 A I, I don't. I don't, and it's, it's
6 very difficult to conflate the first conversation
7 with the first -- it's very difficult to separate
8 the first conversation from the first press
9 release to the project just getting off the
10 ground. It was a very hectic and busy few days.

11 Q When -- so you were describing the
12 conversation that -- conversation or conversations
13 that you had with Mr. Mueller.

14 When is the first time that you spoke
15 with Mr. Daleiden?

16 A I don't recall the exact time, but
17 around that same time frame, somewhere between the
18 6th and the 14th.

19 Q And do you -- did Mr. Daleiden describe
20 the project for which you were being engaged or
21 CRC was being engaged?

22 MR. STRAWBRIDGE: Object to the
23 form of the question.

24 THE WITNESS: No.

25

1 BY MR. KAMRAS:

2 Q Okay. Did, did Mr. Daleiden describe
3 the videos that you were being engaged to release
4 to the media?

5 A I recall that conversation was more
6 about logistics, where were you -- you know, where
7 are you located. If you need to go to a studio,
8 where do you -- you know, do you feel comfortable
9 on TV? Do you need a car? Those types of -- that
10 was that discussion. It was really a logistical
11 discussion.

12 Q This was -- I take it you're describing
13 your, your first conversation with Mr. Daleiden?

14 A Exactly.

15 Q Okay. At any point after that first
16 conversation, did Mr. Daleiden describe to you the
17 videos that would be released to the media as part
18 of your -- as part of CRC's engagement?

19 MR. STRAWBRIDGE: Object to the
20 form of the question.

21 THE WITNESS: He did.

22 BY MR. KAMRAS:

23 Q And how did, how did Mr. Daleiden
24 describe the videos?

25 A There were numerous conversations. It's

1 hard to -- could you be a little bit more

2 specific?

3 Q How did he describe the -- what it was

4 that he thought the videos conveyed?

5 MR. STRAWBRIDGE: Object to the

6 form of the question.

7 THE WITNESS: So he described the

8 first video, which I believe was Dr. Nucatola

9 as a doctor discussing the sale of -- I don't

10 remember the exact quote, but he loosely

11 described Dr. Nucatola discussing the sale of

12 baby body parts while chomping on a salad,

13 munching on a salad.

14 He described the next video as a

15 doctor talking about how she wants a

16 Lamborghini while negotiating pricing.

17 BY MR. KAMRAS:

18 Q Do you recall his characterization of

19 any of the other videos?

20 A No.

21 Q Did Mr. Daleiden describe these videos

22 as evincing an intent by Planned Parenthood to

23 profit from the sale of fetal tissue?

24 MR. STRAWBRIDGE: Object to the

25 form of the question.

1 THE WITNESS: I believe so, yes.

2 BY MR. KAMRAS:

3 Q Did you and Mr. Daleiden have
4 conversations prior to July 14 about how to, how
5 to characterize the videos when they were being
6 released to the press?

7 MR. STRAWBRIDGE: Object to the
8 form of the question.

9 THE WITNESS: No.

10 BY MR. KAMRAS:

11 Q Do you, do you know whether Mr. Daleiden
12 or Mr. Mueller had any such conversations?

13 A I don't.

14 MR. STRAWBRIDGE: Object to the
15 form of the question.

16 THE WITNESS: Sorry. I don't know.

17 BY MR. KAMRAS:

18 Q Did you have recommendations to
19 Mr. Daleiden about how the videos should be
20 characterized when presented to the media?

21 MR. STRAWBRIDGE: Object to the
22 form.

23 THE WITNESS: David was a unique
24 client. He was very media-savvy. The, the
25 release that accompanied the videos, the

1 A I, I wouldn't say that. I mean --

2 Q Okay, all right, well, but let me try
3 this. If I say "the undercover videos," you'll
4 understand that those refer to the videos that
5 Mr. Daleiden taped of Planned Parenthood employees
6 and then which were in some way released to the
7 media?

8 A Correct. Yes.

9 Q Okay, great. So when is it -- when was
10 the first time that you viewed any of the
11 undercover videos?

12 A I, I don't remember the exact date, but
13 it was 24 to 48 hours before we released them.

14 Q Did you view only the -- in that period,
15 24 to 48 hours --

16 A About that.

17 Q -- before -- strike that.

18 So we're talking about the period
19 basically July, roughly July 12th or 13th of 2015;
20 is that right?

21 MR. STRAWBRIDGE: Object to the
22 form.

23 THE WITNESS: Correct. Yes.

24 BY MR. KAMRAS:

25 Q Okay, and at that point did you view

1 only the video that would be released on July 14
2 of 2015 or something more than that?

3 A Just that video.

4 Q Did you, you -- that was -- do you have
5 a recollection of how long that video ran?

6 A I don't.

7 Q Would it be correct to say it was in the
8 range of five to ten minutes?

9 MR. STRAWBRIDGE: Object to the
10 form of the question.

11 THE WITNESS: I honestly don't
12 recall. There -- I just don't recall that
13 first video, the length.

14 BY MR. KAMRAS:

15 Q Okay. Was it -- can you give me any
16 estimation of how long you understand that video
17 to be that you viewed?

18 A I, I seem to just recall the -- thinking
19 eight minutes when you first asked the question,
20 but I, I don't know if that's accurate or not.

21 Q And this was the video that was
22 thereafter, on July 14, released publicly,
23 correct?

24 A The -- yeah, yes.

25 Q That is to say, the video that you

1 viewed sometime in the range of July 12 or 13,
2 2015 is the same video that was then released
3 publicly on July 14?

4 A I'm, I'm not 100 percent sure if
5 100 percent of the video is, is -- was the one
6 that was released. I'm unaware of any edits that
7 were done if there were any edits, but it was my
8 understanding that it was the same video.

9 Q Okay, and you understand that the video
10 that was released on July 14, 2015, was edited
11 down from some amount of larger video?

12 A I do understand that, yes.

13 Q Did you also view the, that larger
14 amount of video, that source material in the
15 period prior to July 14 of 2015?

16 A No.

17 Q So did you have any understanding prior
18 to July 14, when this first video was released,
19 of -- to what extent it was accurate in its
20 presentation of the material enclosed within it?

21 MR. STRAWBRIDGE: Object to the
22 form of the question.

23 THE WITNESS: I -- the -- it's -- I
24 guess I don't understand the question. I'm
25 sorry.

1 BY MR. KAMRAS:

2 Q Did you know whether there were any
3 materials that -- strike that.

4 That first video, as you mentioned,
5 concerned Dr. Nucatola, correct?

6 A Correct.

7 Q And that included, as you -- that
8 included, as you indicated, a video from a lunch
9 where she was speaking with Mr. Daleiden, correct?

10 A Correct.

11 Q And do you know that that lunch lasted
12 close to three hours?

13 A No.

14 Q Okay. Do you know that Mr. Daleiden had
15 videotape of the entirety of that lunch?

16 A I didn't know it at the time, but I --
17 for a fact, I guess.

18 Q Okay.

19 A I guess I assumed that he did, but I, I
20 don't know.

21 Q And you had not viewed that, the
22 entirety of the video of the lunch prior to
23 July 14, 2015?

24 A Correct.

25 Q Okay, and so you did not know prior to

1 You described a process where, with
2 respect to this first video that was released on
3 July 14 concerning Dr. Nucatola, that you viewed
4 the video that was released shortly before it was
5 released, 24 to 48 hours, right?

6 A Yes.

7 Q Okay. Was that the same in the case of
8 all the other videos; that is to say you viewed
9 the video that was to be released for the first
10 time shortly before it was actually released?

11 A I, I don't recall the process being any
12 different.

13 Q Okay, and we also discussed how, with
14 respect to Dr. Nucatola's, the video of
15 Dr. Nucatola that was released on July 14, 2015,
16 that you had not viewed the larger source material
17 from which the video was taken prior to the
18 release of the video, right?

19 A Correct.

20 Q Okay, and, and is that also true that,
21 with respect to the other videos that were in
22 later weeks released, that prior to the release
23 you had not viewed the larger source material from
24 which those videos were taken?

25 A Correct.

1 MR. STRAWBRIDGE: Object to the
2 form of the question.

3 THE WITNESS: Yes.

4 BY MR. KAMRAS:

5 Q And -- thank you, and are you also aware
6 that some of the videos took place at conferences
7 hosted by the National Abortion Federation or NAF?

8 A And you're asking about the public
9 videos, the videos that were released?

10 Q No, not necessarily. I'm asking about
11 any of the video that was recorded, including,
12 obviously, that which was released.

13 A I, I don't have full knowledge of what
14 David recorded.

15 Q Okay. Do you have knowledge that any of
16 the recordings took place at conferences hosted by
17 the National Abortion Federation or NAF?

18 A I've read news reports about that.

19 Q Okay. Did Mr. Daleiden discuss with
20 you -- excuse me -- how he was able to gain access
21 to the Planned Parenthood conferences?

22 A No.

23 Q Did he discuss with you how he was able
24 to gain access to Planned Parenthood facilities?

25 A No.

1 Q Did he discuss with you how he was able
2 to gain access to NAF conferences?

3 A No.

4 Q Did Mr. Daleiden discuss with you the
5 fact that he used a false identification?

6 A No.

7 Q Did he ever discuss with you how he
8 obtained that false identification?

9 A No.

10 Q Did he discuss --

11 MR. STRAWBRIDGE: Object, object to
12 the form of the question.

13 THE WITNESS: Sorry. I'll slow
14 down.

15 BY MR. KAMRAS:

16 Q Did Mr. Daleiden -- you're good?

17 A I'm good.

18 Q Okay.

19 Did Mr. Daleiden discuss with you how --
20 whether he signed any agreements in order to gain
21 access to the Planned Parenthood conferences?

22 A No.

23 Q Did he -- and I'm including -- by
24 "agreements," I'm including confidentiality
25 agreements.

1 A He did not discuss with me any, any
2 agreements.

3 Q Okay. Do you have an understanding that
4 he did sign any such agreements in order to access
5 the Planned Parenthood conferences?

6 A No.

7 Q Okay. Did you have an understanding
8 that he signed confidentiality agreements in
9 accessing Planned Parenthood facilities?

10 MR. STRAWBRIDGE: Object to the
11 form of the question.

12 THE WITNESS: No.

13 BY MR. KAMRAS:

14 Q Okay. Did you -- you earlier referred
15 to the videos as the "undercover videos."

16 Do you recall that?

17 A Yes.

18 Q You understood that when Mr. Daleiden
19 was filming the videos which you refer to as the
20 "undercover videos," that he was taping people
21 without their knowledge, correct?

22 MR. STRAWBRIDGE: Object to the
23 form of the question.

24 THE WITNESS: Yes.

25

1 BY MR. KAMRAS:

2 Q Okay, and you understood that that was
3 the case in all of the videos that he filmed,
4 correct?

5 MR. STRAWBRIDGE: Object to the
6 form of the question.

7 THE WITNESS: You said "all of the
8 videos." I'm, I'm not 100 percent sure about
9 that.

10 BY MR. KAMRAS:

11 Q Okay. Fair.

12 All of the videos that were released,
13 did you believe that they were all filmed without
14 the subjects of the filming knowing that
15 Mr. Daleiden was taping them?

16 MR. STRAWBRIDGE: Object to the
17 form of the question.

18 THE WITNESS: I believe so, yes.

19 BY MR. KAMRAS:

20 Q And did you ever ask Mr. Daleiden or
21 others whether it was legal for him to have done
22 so?

23 A Yes.

24 Q Who did you ask?

25 MR. STRAWBRIDGE: Let me interject

1 BY MR. KAMRAS:

2 Q Is that what you understood him to be
3 saying?

4 A Broadly, yes. Yeah.

5 Q Okay, and you said that he said that as
6 a response to a media inquiry, correct?

7 A Correct.

8 Q So you understood that this was a
9 comment that was going to be publicly released,
10 correct?

11 MR. STRAWBRIDGE: Object to the
12 form of the question.

13 THE WITNESS: Correct.

14 BY MR. KAMRAS:

15 Q Okay, and you -- was it important to you
16 whether it was true?

17 A Yes, of course.

18 Q Okay, but you, you didn't verify it
19 other than taking Mr. Daleiden's word?

20 A Well, I'm, I'm not a lawyer, so I don't
21 want to pretend I am, but it was my understanding
22 that the first two videos were taped in a public
23 setting, so there was no expectation of privacy
24 there, and my understanding that the other videos
25 were taped in states that taping was allowable.

1 document which has been labeled as Exhibit 301,
2 and it's Bates-stamped at the bottom CM04004.

3 Are you familiar with the concept of a
4 Bates stamp?

5 A No.

6 Q It's a litigation procedure so we can
7 have unique identifying numbers for every page of
8 every document.

9 A Okay.

10 Q Okay, so that's what that is.

11 This is -- you'll see it's entitled
12 "Undercover Project to Expose Fetal Trafficking."

13 Do you see that at the top?

14 A I do.

15 Q And above that it says in the header,
16 "Draft Project Proposal."

17 Do you see that?

18 A I do.

19 Q Okay. Take a moment to look at this,
20 and my first question just is whether this is a
21 document that you believe you've seen before.

22 MR. STRAWBRIDGE: I'm going to --
23 while the witness is reviewing the document,
24 I just want to -- I'm not sure what the
25 protocol has been in this case with respect

1 to -- the document is marked "Attorneys' Eyes
2 Only." Actually, there was an earlier
3 document that was also marked that way.

4 Are we marking the deposition
5 transcripts as a whole in this case?

6 MR. KAMRAS: We will, yes, and
7 thank you for asking, so yes, let's
8 provisionally mark the transcript as
9 Attorneys' Eyes Only, and then there will be
10 opportunity for de-designation if that's
11 appropriate.

12 MR. STRAWBRIDGE: I just wanted to
13 know what the protocol was. Thank you.

14 THE WITNESS: Can you explain to me
15 what that means?

16 MR. STRAWBRIDGE: Nothing that you
17 really need to worry about.

18 THE WITNESS: So what, what was
19 your question?

20 BY MR. KAMRAS:

21 Q The question is whether this is a
22 document that you have seen before, that you
23 recall.

24 A I do not recall seeing this document.

25 Q Okay.

1 to ask you with respect to goal number 2, "Create
2 public outrage at Planned Parenthood and liberal
3 university professors."

4 Do you see that?

5 A I do.

6 Q Okay. Do you -- is this a, is this a
7 goal that Mr. Daleiden expressed to you when he
8 was discussing the project with which you worked
9 with him?

10 MR. STRAWBRIDGE: Object to the
11 form of the question.

12 THE WITNESS: I don't, I don't
13 recall him using this language, so I'm -- but
14 yeah, I don't recall him using this language.

15 BY MR. KAMRAS:

16 Q Do you believe that -- did Mr. Daleiden
17 tell you that he intended to generate public
18 outrage at Planned Parenthood?

19 MR. STRAWBRIDGE: Object to the
20 form of the question.

21 THE WITNESS: Our conversations
22 were limited to getting media attention for
23 what he had found. I mean it's -- yeah, I
24 think this is something you should probably
25 ask David if that's what his goals were.

1 BY MR. KAMRAS:

2 Q I'm sure we will.

3 Did -- well, you said that his
4 conversations, your conversations with him was,
5 were about getting media attention for the
6 undercover videos. For what purpose? Why did he
7 want media attention?

8 A I was --

9 MR. STRAWBRIDGE: Object to the
10 form of the question.

11 THE WITNESS: Sorry.

12 I was under the understanding that
13 he wanted the public to, to see what he had
14 found.

15 BY MR. KAMRAS:

16 Q And did he tell you why?

17 A I don't, I don't recall exactly why. I
18 mean . . .

19 Q Did he -- you'll see goal number 3 is to
20 "Deliver a major public relations blow to Planned
21 Parenthood."

22 Do you see that?

23 A I do.

24 Q Okay. Was one of the -- did
25 Mr. Daleiden express to you that one of the

1 reasons he wanted the public to see what he had
2 found was in order to deliver a public relations
3 blow to Planned Parenthood?

4 MR. STRAWBRIDGE: Object to the
5 form of the question.

6 THE WITNESS: Just -- I mean I just
7 don't recall the conversations I had with him
8 with this much specificity, so . . .

9 BY MR. KAMRAS:

10 Q Do you believe that he was engaging your
11 services in order to benefit Planned Parenthood?

12 MR. STRAWBRIDGE: Object to the
13 form of the question.

14 THE WITNESS: He was engaging our
15 services to get as much media attention to
16 his videos as possible.

17 BY MR. KAMRAS:

18 Q And you had an understanding of how the
19 release of those videos would impact Planned
20 Parenthood, correct?

21 MR. STRAWBRIDGE: Object to the
22 form of the question.

23 THE WITNESS: As a PR professional,
24 I could understand how they would impact
25 them, I guess, yeah.

1 BY MR. KAMRAS:

2 Q And what was that understanding?

3 A That they would have to try to explain
4 what was happening in the videos.

5 Q They would have to explain to whom?

6 A Media requests, asking them about the
7 videos.

8 Q Anyone other than media?

9 A I'm sure there would be, but I, I'm --
10 you know, my, my job was for media, to handle the
11 media.

12 Q You, you also had a background, as we've
13 discussed, in politics, correct?

14 A Correct.

15 Q You understood that the release of
16 videos was likely to cause inquiry from Congress,
17 correct?

18 MR. STRAWBRIDGE: Object to the
19 form of the question.

20 THE WITNESS: It's, it's unclear to
21 me whether, before the release of the videos,
22 there were already inquiries about Congress,
23 but there probably were elected officials who
24 are stewards of taxpayers' money that would
25 have, you know, questions and concerns, and

1 also legal authorities that would have
2 questions and concerns about what they saw in
3 the videos.

4 BY MR. KAMRAS:

5 Q And if you look at goal number 4 of this
6 document, it says "Promote state defunding efforts
7 for Planned Parenthood."

8 Did Mr. Daleiden ever articulate to you
9 prior to the release of the videos that his intent
10 in releasing the videos was to defund Planned
11 Parenthood?

12 MR. STRAWBRIDGE: Object to the
13 form of the question.

14 THE WITNESS: Again, it's -- the
15 state defunding efforts were a great media
16 hook to generate more interest in the videos,
17 so I, I mean as far as, you know, the goals
18 beyond that, I'm -- I don't, I don't recall
19 any specific discussions with David about
20 that.

21 I, I, you know, do recall him
22 saying the phrase "defund Planned
23 Parenthood," but it's unclear to me whether
24 that was a big goal or if it was in the
25 context of a media campaign.

1 BY MR. KAMRAS:

2 Q I want to make sure I understand. When
3 you said that, that state defunding was a "media
4 hook" to generate more interest in the videos,
5 what did you mean by that?

6 A We're always -- when working on
7 projects, you're always looking for "media
8 inflection points," we call them, something that
9 the media is covering that your story pertains to,
10 and there were numerous stories about
11 congressional efforts or state efforts to regulate
12 the abortion industry, and we had, you know,
13 videos that were part of that story. We tried to
14 be part of that story.

15 Q And that helped -- if I understand you
16 correctly, that helped generate increased media
17 attention to the videos?

18 A I believe so, yes.

19 Q I want to focus your attention now on
20 the sort of middle portion of the page.

21 A Okay.

22 Q And you'll see it starts "The
23 foundational goal."

24 Do you see where I am?

25 A I do.

1 know.

2 Q Okay. He never -- well, let me make
3 sure I understand. He, he never, he never limited
4 his, his disagreement with abortion to those that
5 involved fetal tissue donation, correct?

6 MR. STRAWBRIDGE: Object to the
7 form of the question.

8 THE WITNESS: Yes, he didn't --
9 yes, he didn't put that limiting clause on
10 any discussion of being Pro-Life.

11 BY MR. KAMRAS:

12 Q Okay. So if you look back at the first
13 page, you'll see that there are three appendices
14 noted, 1, 2 and 3?

15 A Correct.

16 Q Okay, and what I want to actually now
17 show you is what we will mark as Exhibit 302. Is
18 that right?

19 (Exhibit 302 was marked for
20 identification.)

21 BY MR. KAMRAS:

22 Q And you'll see that this document, like
23 Exhibit 301, says "Draft Project Proposal" at the
24 top and again "confidential" and again "copyright
25 2013, David Daleiden," and you'll see that it is

1 it, that federal law provides that a clinic can be
2 reimbursed for certain costs associated with
3 facilitating fetal tissue donation for the purpose
4 of research?

5 MR. STRAWBRIDGE: Object to the
6 form of the question.

7 THE WITNESS: Prior to the videos?

8 BY MR. KAMRAS:

9 Q Correct.

10 A Yes, I was unaware of that.

11 Q Okay, and so what about the videos, in
12 your opinion, made it -- helped frame and present
13 the issue in a way that benefited the Pro-Life
14 movement?

15 MR. STRAWBRIDGE: Object to the
16 form of the question.

17 THE WITNESS: Well, there are a
18 number of ways.

19 So first, most of the public looks
20 at an unborn child as a mass of tissue, and
21 to have medical professionals use words like
22 "heart, lungs and livers" brings home the
23 reality that it was an actual child.

24 And then secondly, having a doctor
25 on camera saying "I want a Lamborghini" shows

1 that there's quite a, quite a bit of money to
2 be had by people that do this, and I think
3 both of that -- both of those items would
4 probably cause people to rethink their
5 opinion of the, you know, of abortion.

6 BY MR. KAMRAS:

7 Q Cause people to rethink their opinion of
8 abortion generally is what you're saying; not
9 limited to abortions that are -- that result in
10 fetal tissue donation?

11 A Well, I think the, the first point I
12 made was abortion generally and then, secondly, as
13 it pertains to fetal tissue.

14 Q And would your, would your view about
15 the impact of the videos change if it were the
16 case that the medical professionals that you
17 described were, in fact, not intending to profit
18 from the facilitation of fetal tissue donation?

19 MR. STRAWBRIDGE: Object to the
20 form of the question.

21 THE WITNESS: I'm, I'm just -- is
22 that a polling question? I don't --

23 BY MR. KAMRAS:

24 Q I didn't mean it as such.

25 A I don't understand.

1 Q You, you had, you had said that the --
2 you said that having -- as I recall, you said that
3 having a medical professional discuss a
4 Lamborghini was something that you thought would
5 cause public opinion to shift on this issue, and
6 my question is whether you would believe that
7 public opinion would not shift in the same way if,
8 in fact, the providers were, were, were not, were
9 not intending to seek a profit from facilitating
10 fetal tissue donation?

11 MR. STRAWBRIDGE: Object to the
12 form of the question.

13 THE WITNESS: It's, it's hard to,
14 hard to say. I mean you're asking me to kind
15 of -- yeah, it's hard to say, hard to answer
16 that question.

17 BY MR. KAMRAS:

18 Q All right, but you believe that the
19 comment about -- and this is -- in particular,
20 you're referring to Dr. Gatter who referred to a
21 Lamborghini. You feel that that was a
22 particularly impactful comment on the public?

23 A I do, yes.

24 Q And it was impactful, because it
25 suggested that, according to the videos, that

1 planned Parenthood providers were hoping to profit
2 from facilitating fetal tissue donation?

3 MR. STRAWBRIDGE: Object to the
4 form of the question.

5 THE WITNESS: Yeah, I guess I
6 object to the form of the question as well.
7 It, it is suggested that, that they were
8 profiting from the sale of -- you call them
9 "fetal tissue." I call them, you know,
10 "aborted babies."

11 BY MR. KAMRAS:

12 Q Okay, and I understand, but the point
13 being that the reason why -- the point that I'm
14 trying to make, anyway, or ask is that the reason
15 that -- strike that.

16 The reason why the Lamborghini comment,
17 in your view, was impactful to the public is
18 because it suggested that providers, medical
19 providers at Planned Parenthood were intending and
20 seeking to profit from the sale of the aborted
21 remains; is that correct?

22 MR. STRAWBRIDGE: Object to the
23 form of the question.

24 THE WITNESS: I, I'm just making
25 sure I answer your question accurately. I'm

1 sorry. Could you just repeat it? I

2 apologize.

3 BY MR. KAMRAS:

4 Q Yeah, no problem.

5 The -- you had mentioned that the --
6 that Dr. Gatter's comment about a Lamborghini was
7 impactful, and I just want to confirm that the
8 reason you believe it was impactful is because it
9 suggested that Planned Parenthood providers were
10 intending to profit from the sale of fetal tissue
11 or the remains of an abortion?

12 MR. STRAWBRIDGE: Object to the
13 form of the question.

14 THE WITNESS: Yes, that's one of
15 the reasons why that was impactful, yes.

16 BY MR. KAMRAS:

17 Q What were the other reasons, if any?

18 A Well, I, I don't think people are aware
19 that, that the product of abortion was, had any
20 value. I don't -- I mean there's a number of
21 reasons, but that is the primary one. The --

22 Q Go ahead.

23 A The statement shows that there's a lot
24 of profit or indicates that there's a lot of
25 profit. The statement indicates that there is

1 value in, in the product of abortion, and, and
2 then the general discussion alerts people that
3 there are actually organs in, in the womb and not
4 just unviable tissue mass, as most of the public
5 has been led to believe.

6 Q Okay. Anything else?

7 A I think that's it.

8 Q Great. Thank you.

9 MR. STRAWBRIDGE: Is this a good
10 time for a break?

11 MR. KAMRAS: That's fine. Sure.

12 MR. STRAWBRIDGE: Let's go off the
13 record.

14 THE WITNESS: Thank you.

15 THE VIDEOGRAPHER: The time is
16 12:06, and we are going off the record.

17 (Whereupon, the lunch recess was
18 taken.)

19 THE VIDEOGRAPHER: The time is
20 1:02, and we are back on the record.

21 BY MR. KAMRAS:

22 Q Good afternoon, Mr. Robbio. Welcome
23 back. Do you understand you're still under oath?

24 A I do.

25 Q Okay, great.

1 Q Knowing that now, does it surprise you
2 that there were threats made against these
3 doctors, given the content of the videos?

4 MR. STRAWBRIDGE: Object to the
5 form of the question.

6 THE WITNESS: Am I surprised? I
7 guess yes, I am surprised there were death
8 threats.

9 BY MR. KAMRAS:

10 Q Are you surprised that there were
11 threats, if not death threats, that were made
12 against Dr. Nucatola and other providers?

13 MR. STRAWBRIDGE: Object to the
14 form of the question.

15 THE WITNESS: I'm not surprised by
16 negative reaction. I, I guess I don't -- I
17 guess I'll leave it at that. I'm not sure
18 how to answer your question.

19 BY MR. KAMRAS:

20 Q Did you anticipate, prior to the release
21 of the videos, that the providers who were shown
22 in the videos might be the recipient of threats?

23 MR. STRAWBRIDGE: Object to the
24 form of the question.

25 THE WITNESS: I was -- I really was

1 just too busy about the roll-up campaign. I

2 did not, you know, consider that.

3 MR. KAMRAS: I'm going to mark as
4 next Exhibit 305.

5 (Exhibit 305 was marked for
6 identification.)

7 BY MR. KAMRAS:

8 Q And Mr. Robbio, if you look back at
9 Exhibit 304, you'll see right under that list of
10 recipients that we walked through, there is a
11 hyperlink entitled "MessagingGuidelinesFT.pdf."

12 Do you see that?

13 A I do see that.

14 Q And you'll see that that email is
15 Bates-stamped, as we discussed, CM03856 through 87
16 [sic] -- and the next document --

17 THE REPORTER: 87?

18 MR. KAMRAS: Yes.

19 BY MR. KAMRAS:

20 Q And the next document that I provided
21 you is the next page in order. This is Exhibit
22 305, right below you.

23 A Right, but I, I think you misspoke. I
24 think you said "87" when you said that to her.

25 Q You are right. So I'll try that again.

1 So the, the messaging, the first point
2 is that "PP sells aborted baby parts." Is that a,
3 a messaging, a type of messaging that you had
4 discussed with Mr. Daleiden prior to the release
5 of the first video?

6 MR. STRAWBRIDGE: Object to the
7 form of the question.

8 THE WITNESS: I don't, I don't
9 understand why you mean by -- what you mean
10 by "discuss." Were the words said? I, I
11 vaguely remember those words being used, but
12 I, I don't remember a discussion about using
13 those words.

14 BY MR. KAMRAS:

15 Q Do you recall any discussion about, with
16 Mr. Daleiden about what the messaging for the
17 videos, the undercover videos should be?

18 A No.

19 Q Okay. At any time?

20 A There -- and I don't remember a specific
21 instance, but I have a, a general recollection to,
22 after media interviews, about discussing answers
23 to certain questions, about using your main point
24 first, condensing your, condensing your points,
25 you know, not repeating a negative, just general,

1 you know, talk, uh, media training guidelines.

2 Q Okay. Do you -- I had asked you whether
3 you recall a conversation prior to the release of
4 the video, the first of the videos with
5 Mr. Daleiden, about developing the messaging for
6 the videos.

7 Did you -- do you recall a conversation
8 with Mr. Mueller, prior to the release of the
9 first videos, regarding the messaging for the
10 undercover videos?

11 A I don't, I don't.

12 Q Is it your best recollection that the
13 points listed here under "Messaging," the three
14 main points, are ones that were developed by
15 Mr. Daleiden?

16 MR. STRAWBRIDGE: Object to the
17 form of the question.

18 THE WITNESS: I don't know who
19 developed these points.

20 BY MR. KAMRAS:

21 Q Okay. You have no, no recollection that
22 would help us understand that?

23 A No.

24 MR. KAMRAS: Okay. I'm going to
25 mark the next document as Exhibit 306.

1 charge were in order to reimburse for time and
2 space?

3 MR. STRAWBRIDGE: Object to the
4 form of the question.

5 THE WITNESS: That information was
6 not in the press release.

7 BY MR. KAMRAS:

8 Q Okay, and do you believe that the press
9 release was misleading by having omitted that
10 information?

11 A No.

12 Q No? Why is that?

13 A I, I think -- I considered these
14 statements to be broad disclaimers to cover
15 yourself legally, so I didn't really look at these
16 as, as a, as an informed, you know, informed -- I
17 just looked at those as just broad statements to
18 cover yourself legally.

19 Q Okay. So now, you hadn't actually
20 viewed the video, the long video, the unedited
21 video, correct?

22 A Correct.

23 Q But nonetheless, you having -- having
24 not viewed the video, you discounted any
25 statements that Dr. Nucatola said that were

1 contrary to the sentiment of the press release?

2 MR. STRAWBRIDGE: Object to the
3 form of the question.

4 THE WITNESS: Yeah, I, I took your
5 question as now do I consider the press
6 release misleading. I don't think the press
7 release is misleading, and at the time when
8 these discussions were happening, I really
9 looked at those, those points that were
10 brought up in the videos that were
11 highlighted by others, that they were just,
12 you know, disclaimers of people just trying
13 to cover themselves while they were doing
14 something to reap huge amounts of money.

15 BY MR. KAMRAS:

16 Q But at that time -- so, for example, on
17 July 14, at the time of Ms. Short's email
18 exchange, at that time had you reviewed the
19 unedited video of Dr. Nucatola's lunch?

20 A No.

21 Q So you hadn't had the opportunity at
22 this time, on July 14, to actually review and
23 evaluate for yourself the statements that
24 Dr. Nucatola made and the context of those
25 statements?

1 A No.

2 Q At any time have you seen the unedited
3 video of Dr. Nucatola's lunch?

4 A I don't think so, no.

5 Q So you can't really say whether the
6 video that was released on July 14 accurately
7 conveyed what was said at that lunch?

8 MR. STRAWBRIDGE: Object to the
9 form of the question.

10 THE WITNESS: The video does not
11 accurately convey every single word that was
12 said at that lunch, yes.

13 BY MR. KAMRAS:

14 Q Right, but you also can't say, having --
15 since you haven't seen the unedited video, as I
16 understand it, you, you can't say whether the
17 video, the edited video that was released on
18 July 14 is an accurate depiction of Dr. Nucatola's
19 actual statements and message?

20 MR. MONAGHAN: Objection. Vague.

21 MR. STRAWBRIDGE: And object to the
22 form of the question.

23 THE WITNESS: The video has
24 Dr. Nucatola saying those statements. Those
25 statements are pretty clear and unambiguous,

1 Parenthood was doing based upon the videos that
2 you had seen, correct?

3 A Correct.

4 Q Which were not the unedited videos,
5 correct?

6 A That is correct.

7 MR. STRAWBRIDGE: Before you move
8 to a new document, can we take a short break?

9 MR. KAMRAS: Sure.

10 THE WITNESS: We're done with that
11 one?

12 MR. KAMRAS: Well, actually, that's
13 a good question, and the answer is we are
14 done with it.

15 THE WITNESS: Okay.

16 THE VIDEOGRAPHER: The time is
17 2:12. We are going off the record.

18 (Whereupon, a short recess was
19 taken.)

20 THE VIDEOGRAPHER: The time is
21 2:25. We are back on the record.

22 MR. KAMRAS: Okay, Mr. Robbio, I am
23 marking as Exhibit 309 a document that is
24 Bates-stamped CM25467 through 669.
25

1 (Exhibit 309 was marked for
2 identification.)

3 BY MR. KAMRAS:

4 Q And this is an email string primarily,
5 maybe exclusively among you, Mr. Mueller and
6 Mr. Daleiden, dated July 22, 2015.

7 This, this was after the release of the
8 second video, correct?

9 A July 22, yes.

10 Q Okay, and if you start at the beginning
11 of the exchange, which is to say the last page of
12 the document --

13 A Mm-hmm.

14 Q -- there's -- it's an email -- if you
15 look at the second to the last page, at the very,
16 very bottom, you'll see it's an email from you,
17 and then the, the body of the email is on the very
18 last page, and it just says "do you need a car,
19 please let me know," and then there's reference to
20 Gear Monkey Studio.

21 A Mm-hmm.

22 Q And then "Please let me know about the
23 car and talking points. Thanks."

24 Do you see that?

25 A I do.

1 Q Okay, and this is -- this was an email
2 to Mr. Daleiden, correct?

3 A I believe so, yes.

4 Q And in fact, if you look on the second
5 page of this document, which is Bates stamp 25468,
6 you'll see there's the reply from David Daleiden,
7 right?

8 A Yes.

9 Q Okay, and he -- and in the very first
10 line of Mr. Daleiden's email, he says "Talking
11 points for Hannity."

12 Do you see that?

13 A I do.

14 Q Do you have an understanding of whether
15 he's referring to Sean Hannity?

16 A Yes.

17 Q Okay, and when he -- when Mr. Daleiden
18 says "talking points for Hannity," is it your
19 understanding that these are talking points that
20 would be provided to Mr. Hannity prior to
21 Mr. Hannity's interview of Mr. Daleiden?

22 MR. STRAWBRIDGE: Object to the
23 form of the question.

24 THE WITNESS: Yeah, I'm not quite
25 sure what exactly you're asking.

1 BY MR. KAMRAS:

2 Q Well, let's go back --

3 A I can explain what these are.

4 Q Okay. You can explain what is meant by

5 "talking points"?

6 A Well, I think you know what talking
7 points are, but I can explain what I mean by --
8 what this email is.

9 Q Okay, sure.

10 A So typically when you book a TV
11 interview, the producer will ask you for two or
12 three points to help the producer prepare the
13 host, and these were the, the points that we
14 provided to the producer.

15 Q Okay. So that's, that's what I
16 understood the email to mean, but I appreciate the
17 confirmation. No, I mean that's why I was asking
18 you. I was looking for information.

19 A Okay. The way you asked the question, I
20 thought you were saying that these are the points
21 that Sean Hannity should use, and that's not the
22 case.

23 Q So, so the -- as you, as you are
24 explaining it to me, these are points that
25 Mr. Daleiden or -- well, strike that. Who

1 preinterviews, and now they are done through
2 talking points.

3 Q Okay.

4 A Okay.

5 Q And let's look at the talking points.

6 The first is "Dr. Gatter is clearly
7 haggling over the price of baby parts."

8 You understand that this is a reference
9 to Dr. Gatter who is -- who was, who was depicted
10 in the second video to be released, correct?

11 A Correct.

12 Q Okay, and it says, "She admits that PP
13 doesn't 'have to do anything,' yet still gets
14 paid, doesn't want to 'lowball,' starts out at \$75
15 per specimen, and by the end of the conversation
16 is suggesting that \$100 per specimen is not enough
17 and we may have to 'bump it up.' She understands
18 that payment per specimen is only for high quality
19 'tissue that you actually take, not just tissue
20 that someone volunteers and you can't find
21 anything,'" and it concludes, "This is flat out
22 profiteering on fetal tissue with no relation
23 whatsoever to actual costs."

24 Do you see that?

25 A I do.

1 Q Okay, and then in the second talking
2 point, it says, "Last week, PP admitted three key
3 things: One, they harvest fetal organs; Two, they
4 receive payment in connection with this; and
5 Three, they support this all at the national
6 level. Their only denial is that they receive any
7 'financial benefit' or 'profit,' and we are
8 starting to see that this is a lie, because the
9 so-called 'reimbursement' they take in far exceeds
10 any real or imagined costs of harvesting."

11 Do you see that?

12 A I do.

13 Q Okay, and these are, these are based
14 upon -- these talking points are based upon the
15 videos that had been released to date as well as
16 apparently some admissions that are claimed to
17 have been made by Planned Parenthood, correct?

18 MR. STRAWBRIDGE: Object to the
19 form of the question.

20 THE WITNESS: David wrote these.

21 I'm, I'm not sure what he based this on.

22 BY MR. KAMRAS:

23 Q Okay, and you understand that what these
24 talking points were intended to convey is that
25 Planned Parenthood was allegedly engaged in an

1 effort supported at the national level to
2 profiteer from the harvest and sale of fetal
3 tissue, right?

4 MR. STRAWBRIDGE: Object to the
5 form of the question.

6 THE WITNESS: These talking points
7 were written to convey what, what they say,
8 and I guess, three, "they support this all at
9 the national level."

10 BY MR. KAMRAS:

11 Q Right. So it was supported at the
12 national level, right?

13 A That's what it says, yes.

14 Q And, and what was supported was an
15 effort at the national level to engage in a, the
16 process of "profiteering" is the word used with
17 respect to the sale of fetal tissue, correct?

18 A The way I read this talking point is
19 that "Planned Parenthood admitted three items: 1,
20 that they harvest fetal organs; 2, that they
21 receive payment in connection with this; and 3,
22 that this is supported at the national level."
23 That's, that's how I read that talking point.

24 Q Right, and the, and the first talking
25 point refers to, in the last sentence, "this is

1 they were written by Mr. Daleiden, but did you
2 review them before they were conveyed to
3 Mr. Hannity or his producer? Excuse me.

4 A I might have, but I don't recall
5 exactly.

6 Q Okay, and, and you're obviously a media
7 relations -- you have a lot of experience in media
8 relations, correct?

9 A Correct.

10 Q Okay, and so you presumably have some
11 sense of, you know, how the media is going to
12 digest talking points, correct?

13 A Correct.

14 MR. STRAWBRIDGE: Object to the
15 form of the question.

16 THE WITNESS: Sorry. Yes.

17 BY MR. KAMRAS:

18 Q You have, you have some understanding of
19 how talking points are going to be understood by
20 the media?

21 MR. STRAWBRIDGE: Object to the
22 form of the question.

23 THE WITNESS: I, I do have some
24 experience with that, yes.

25

1 BY MR. KAMRAS:

2 Q Okay, and when you look at these talking
3 points, you understand that what they convey is
4 that Planned Parenthood is engaged in an effort at
5 the national level to profit from the sale of
6 fetal tissue?

7 MR. STRAWBRIDGE: Object to the
8 form of the question.

9 THE WITNESS: I, I still dispute
10 your declaration that this says that. I mean
11 it clearly states that there are three things
12 admitted, and the three things are -- you
13 know, referred to those three things. I
14 don't, I don't see how this second talking
15 point refers back to the last line of the
16 first talking point.

17 Secondly, there's clearly a
18 misunderstanding of how the media consumes
19 these talking points. These were, these were
20 provided so the show can understand what
21 David plans to say.

22 Oftentimes -- I don't remember if
23 this happened in this instance -- the media
24 will take all these points and do the
25 opposition research to ask hard questions and

1 follow-up questions to dispute these claims.

2 So it's, you know, I, I just -- you know, a

3 lot of what you're saying is just incorrect.

4 BY MR. KAMRAS:

5 Q Okay. Do you, do you have any
6 recollection of whether Mr. Hannity disputed any
7 of these talking points?

8 A I, I don't recall. I don't recall.

9 Q And isn't it, in fact, the case that you
10 knew, at the time this interview was happening,
11 that Mr. Hannity was a friendly audience for
12 Mr. Daleiden?

13 MR. STRAWBRIDGE: Object to the
14 form of the question.

15 THE WITNESS: I would say "fair"
16 more than "friendly."

17 BY MR. KAMRAS:

18 Q Mr. Hannity -- Mr. Hannity is an
19 advocate of the Pro-Life movement, correct?

20 MR. STRAWBRIDGE: Object to the
21 form of the question.

22 THE WITNESS: I don't, I don't know
23 that.

24 BY MR. KAMRAS:

25 Q Okay. What's, what's your -- having

1 (Witness peruses document.)

2 THE WITNESS: Okay.

3 BY MR. KAMRAS:

4 Q And having read it -- so first -- well,

5 I'll strike that.

6 Looking at the last sentence, "They,"

7 which is in reference to Planned Parenthood and

8 their political allies, "They will attack me and

9 my organization all day long, but that does not

10 change the fact about what our investigation has

11 uncovered and what the American people now know,

12 that Planned Parenthood is engaged in an

13 enterprise-wide operation that traffics and sells

14 baby body parts."

15 Do you see that?

16 A I do.

17 Q And do you agree that this is what the

18 investigation had uncovered?

19 MR. STRAWBRIDGE: Object to the

20 form of the question.

21 THE WITNESS: You're asking me my

22 personal opinion about what the investigation

23 uncovered?

24 BY MR. KAMRAS:

25 Q Yes. I'm asking whether you agree with

1 this statement that what the investigation had

2 uncovered was that --

3 A Yeah.

4 Q -- Planned Parenthood had "engaged in an

5 enterprise-wide operation that traffics and sells

6 baby body parts."

7 A Yeah, I think I, I think I would agree

8 with that.

9 Q Okay, and, and this is, this is what the

10 tapes, the undercover videos and the tapes

11 released to the public were intended to convey; is

12 that your understanding?

13 MR. STRAWBRIDGE: Object to the

14 form of the question.

15 THE WITNESS: I think that the

16 tapes were intended to convey what David

17 found in his investigation.

18 BY MR. KAMRAS:

19 Q And what he found in his investigation

20 is what this message sets forth; is that correct?

21 MR. STRAWBRIDGE: Object to the

22 form of the question.

23 THE WITNESS: Yeah, I agree. Yes.

24 BY MR. KAMRAS:

25 Q Okay, and that's what he intended to

1 convey in these videos that were released to
2 public?

3 MR. STRAWBRIDGE: Object to the
4 form.

5 THE WITNESS: I'm not going to
6 follow you to that last bridge, no. I don't
7 know what he intended to convey.

8 BY MR. KAMRAS:

9 Q Okay. Do you, do you believe that's
10 what -- but you believe that's what the released
11 videos to the public conveyed?

12 MR. STRAWBRIDGE: Object to the
13 form.

14 THE WITNESS: In the videos I saw
15 people asking to exchange money for baby body
16 parts, so that proves the second half of the
17 sentence, and in the response, there were
18 statements from executives of Planned
19 Parenthood responding, so that leads me to
20 believe that it was enterprise-wide.

21 So yes, I, I think that the whole
22 story together conveys that.

23 BY MR. KAMRAS:

24 Q Conveys the, the statement that is set
25 forth in this last sentence of the, of the media

1 response?

2 A In my, in my opinion, yes. It seemed
3 like there was an enterprise-wide operation that
4 exchanged baby body parts for money.

5 Q And when, when you were helping
6 facilitate this media campaign, this is the
7 message that you were intending to convey to the
8 media?

9 MR. STRAWBRIDGE: Object to the
10 form of the question.

11 MR. MONAGHAN: Join in the
12 objection.

13 THE WITNESS: "The message that you
14 were intending to convey to the media." I
15 don't -- could you just restate the question
16 so I can understand it better?

17 BY MR. KAMRAS:

18 Q Yeah, just that you were part of the
19 media campaign, correct, that was involved in
20 releasing Mr. Daleiden's, the edited versions of
21 Mr. Daleiden's undercover videos, right?

22 A Yes.

23 MR. STRAWBRIDGE: Object to the
24 form of the question.

25 THE WITNESS: Sorry. Yes.

1 MR. KAMRAS: Yes.

2 (Witness peruses document.)

3 MR. STRAWBRIDGE: Are you done
4 reviewing the document?

5 THE WITNESS: I am.

6 MR. STRAWBRIDGE: Do you need a
7 question read back to you?

8 THE WITNESS: You asked me if I
9 recalled focus groups?

10 BY MR. KAMRAS:

11 Q That's exactly what I asked you, yes.

12 A Yes.

13 Q Okay. When do you recall focus groups
14 occurring?

15 A I don't know when they exactly occurred.

16 Q This email is dated August of 2015. Do
17 you believe it occurred -- they occurred after
18 this email?

19 MR. STRAWBRIDGE: Object to the
20 form of the question.

21 THE WITNESS: I don't know. The
22 email seems to suggest that, but I don't
23 know.

24 BY MR. KAMRAS:

25 Q Okay. Is it your belief that they

1 occurred in 2015?

2 A Yes.

3 Q Okay, and do you -- are you able -- did
4 it occur -- did they occur before or after
5 Thanksgiving, for example?

6 A I really don't have a recollection, so I
7 guess I'll just leave it at that.

8 Q Okay. Did, did Kellyanne Conway's
9 company conduct the focus groups?

10 A Yes, they did.

11 Can I rephrase that answer?

12 Q Sure.

13 A Yeah, that's, that's my understanding.

14 So I wasn't part of the planning. That's my
15 understanding, that she -- but I don't have any
16 direct knowledge that they, they did the focus
17 groups.

18 Q Okay. Do you know how many focus groups
19 there were?

20 A I do not.

21 Q Do you know -- can you give me any
22 estimate of the number?

23 A I don't.

24 Q Did they occur -- to your knowledge, did
25 they occur all at once in a sort of concentrated

1 the results of the focus groups? I, I guess
2 because you asked for a document, it's not really
3 apparent that I received the information in a
4 document. I, I don't have a recollection of
5 receiving -- it might have been just a line in an
6 email or a couple of paragraphs in an email, you
7 know, people sharing with me information.

8 Q Okay.

9 A I don't recall any formal document or
10 report that was shared with me.

11 Q Okay, so, but you recall in some written
12 form reading something about the results of these
13 one or more focus groups?

14 A I do.

15 Q Okay, and do you recall what those
16 results were?

17 A I, I don't recall the exact numbers,
18 but -- do you want me to broadly --

19 Q I'd like to know anything you can
20 remember about the results.

21 MR. STRAWBRIDGE: Object to the
22 form of the question.

23 MR. MONAGHAN: Objection. Form.

24 THE WITNESS: That -- I'm sorry.

25 MR. MONAGHAN: I was just going to

1 ask the court reporter if she got that,
2 because the focus was gone.

3 THE WITNESS: That people who --
4 after being informed of the video, people had
5 a negative view of Planned Parenthood.

6 BY MR. KAMRAS:

7 Q When you say "the video," do you know
8 what video was shown to the focus groups?

9 A I'm sorry. I actually misspoke. I, I
10 don't even know if they were shown. They may have
11 been described the video, but after they learned
12 about the video, their opinions on Planned
13 Parenthood were negative.

14 Q Okay, and, and you still don't know --
15 well, I'll ask the question: Do you know what
16 video they were either shown or that was described
17 to them?

18 A No. I have no idea.

19 Q Do you recall anything more about the
20 focus groups' reaction to the video other than
21 that they had a negative view of Planned
22 Parenthood?

23 A I recall there were maybe some quotes
24 included in my summary, but I don't recall the
25 quotes.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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|

PLANNED PARENTHOOD |
FEDERATION OF AMERICA, |

INC., et al, |

|

Plaintiffs, | Case Number:

|

vs. | 3:16-cv-00236

|

THE CENTER FOR MEDICAL |
PROGRESS, et al, |

|

Defendants. |

|

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CONFIDENTIAL - ATTORNEYS' EYES ONLY

Videotaped Deposition of

GREGORY MUELLER

Arlington, Virginia

Friday, April 12, 2019

9:36 a.m.

Job No. 158910

Reported by: Laurie Donovan, RPR, CRR, CLR

1 American Center for Law & Justice, on behalf
2 of defendant Troy Newman.

3 THE VIDEOGRAPHER: All right. Will
4 the court reporter please swear in the
5 witness.

6 * * * * *

7 GREGORY MUELLER,
8 having been first duly sworn, testified
9 upon his oath as follows:

10 EXAMINATION BY COUNSEL FOR PLAINTIFFS
11 BY MR. KAMRAS:

12 Q Good morning, Mr. Mueller.

13 A Good morning.

14 Q How are you?

15 A Good, sir.

16 Q Good. Have you been deposed before?

17 A No.

18 Q Okay. So let me give you just a few
19 ground rules I'm sure you've or at least likely
20 discussed with your counsel, but just so we're all
21 on the same page, you understand that the oath you
22 just took is the same oath that you would take if
23 you were in a court?

24 A Yes, sir.

25 Q Okay. So it has the same force and

1 Q What search terms?

2 A I used "David Daleiden," "Center for
3 Medical Progress," "focus groups." If I recall,
4 maybe even "The Polling Company."

5 Q Do you know one way or the other
6 whether, in fact, you used "The Polling Company"?

7 A I don't recall.

8 Q Okay, and do you know what search terms
9 Mr. Thompson used to conduct the search?

10 A I do not.

11 Q Okay. So at some point -- I want to
12 talk a little bit about CRC and make sure I
13 understand sort of what CRC is.

14 So we've talked about how CRC at least
15 includes CRC Public Relations, right? And at some
16 point I think in 2017, CRC acquired The Polling
17 Company; is that correct?

18 A Yes. It would have been last year,
19 actually.

20 Q So it was in 2018?

21 A Yeah, I'm pretty sure it was last year.

22 Q Okay, and actually, before I continue,
23 did -- in conducting any of the, your search
24 terms -- excuse me. In conducting the searches on
25 your own computer, did you use any version of

1 "Kellyanne" or "Kellyanne Conway" or "Conway" as a
2 search term?

3 A I don't recall doing that.

4 Q And you understand that Ms. Conway ran
5 The Polling Company prior to CRC's acquisition of
6 it, correct?

7 A Well, what do you mean by "ran"?

8 Q She was -- well, actually, I don't know.

9 What is your understanding of Ms. Conway's
10 relationship to The Polling Company prior to your
11 acquisition?

12 A She was the head of it, I think the
13 owner of it.

14 Q Okay.

15 MR. STRAWBRIDGE: I know I'm late
16 here, but let me just -- I'll object to the
17 form of the question.

18 BY MR. KAMRAS:

19 Q Okay. So CRC acquired The Polling
20 Company, you think, in 2018, correct?

21 A I think I recall that was the year,
22 yeah.

23 Q Okay, and does The Polling Company -- is
24 The Polling Company -- how is The Polling Company
25 at this point today affiliated with CRC?

1 A Well, CRC is an owner of The Polling
2 Company, but it's its own Sub S corporation.

3 Q And who -- does it have its own board?

4 A I think so. I'm not 100 percent sure.
5 I wouldn't want to guess. I'm not 100 percent
6 sure. I don't know.

7 Q Okay, so you're not sure if there's a
8 board?

9 A I'm not sure there is a board, and I
10 don't recall that there is a board. I'm assuming
11 there is, but I would be guessing. I'm not aware
12 of who's on it.

13 Q Okay, and who is the CEO of The Polling
14 Company?

15 A I think -- would that also cover as
16 president? He's either president or CEO. I don't
17 recall what his official title is, but that would
18 be Brett Lloyd.

19 Q Okay, and do you ever communicate with
20 Mr. Lloyd?

21 A You mean just in conversation, or --

22 Q In the course of doing your, your work.

23 A Sure.

24 Q Okay, and your -- remind me. Your title
25 is what at CRC?

1 A I'm president.

2 Q You're the president and founder,
3 correct, of CRC?

4 A Well, that's kind of loosely defined. I
5 was there at the very beginning.

6 Q Okay. So you're, you're president
7 today, and it was founded -- CRC was founded when?

8 A Officially 1989. It was forming before
9 that, but officially 1989.

10 Q And have you been president since 1989?

11 A Actually, no.

12 Q When did you become president?

13 A That's a great question. I actually
14 don't know if I recall when I became president. I
15 was vice president for a while first, and I don't
16 recall the exact date. I would be guessing.

17 Q Did you become president -- are you able
18 to say whether it was before or after 2010?

19 A It would have been before 2010.

20 Q Before 2010?

21 A Yes, sir.

22 Q Do you know if it was before or after
23 2000?

24 A I think it was, I think it was -- I'm
25 pretty sure it was before 2000.

1 Q Okay. Do you know if it was before or
2 after 1995?

3 A That's -- I, I'm not, I'm not -- I don't
4 recall when we officially made me president or
5 when they officially made me president.

6 Q Okay. So you're currently president of
7 CRC, and it sounds like you have been for at least
8 19 years, maybe more.

9 A I think that's pretty accurate.

10 Q Okay, and in the course of your position
11 as president of CRC, do you have -- and for your
12 work, do you have conversations with Mr. Lloyd
13 concerning The Polling Company?

14 MR. STRAWBRIDGE: Object to the
15 form of the question.

16 THE WITNESS: Yes, I have
17 conversations with Mr. Lloyd.

18 BY MR. KAMRAS:

19 Q Okay. Do you, do you and he consult
20 about the work that The Polling Company is doing?

21 A You mean specifically?

22 Q I mean in any, in any way.

23 A Yeah, yeah, we, we converse some about
24 what he's doing, what he's up to. It's a separate
25 enterprise, so not all that often.

1 is, is any communication with Mr. Daleiden
2 that reflects litigation strategy or work
3 done in -- work prepared by his attorneys in
4 anticipation of litigation. That's the
5 instruction.

6 THE WITNESS: Our main job would,
7 would be to provide litigation communication
8 support.

9 BY MR. KAMRAS:

10 Q Okay. So is there any information that
11 Mr. Daleiden communicated to you which you believe
12 falls within the scope of the instruction that
13 your attorney provided?

14 A I mean I, I would say there, there would
15 be some information in there that would be part of
16 his litigation strategy.

17 Q Okay. Is -- are you or CRC presently
18 engaged by Mr. Daleiden?

19 A We, we are, we are assisting him in
20 litigation support, if that's what you're asking,
21 in terms of communications and media.

22 Q Is there a formal engagement that -- so
23 strike that.

24 A Right.

25 Q By "we," you mean CRC --

1 Q Has CRC been regularly invoicing
2 Mr. Daleiden or CMP since 2015?

3 A I don't know. I don't recall. Again, I
4 don't send out the invoices and do all of the
5 accounting work, so I don't -- I'm not -- I don't,
6 I don't recall when we would be invoicing him last
7 before the one I just mentioned.

8 Q Have, have you or CRC been doing work
9 for Mr. Daleiden or CMP on a regular basis since
10 2015?

11 A How would you describe "regular"?

12 Q Have you been doing work on let's just
13 say at least a quarterly basis for Mr. Daleiden or
14 CMP since 2015?

15 MR. STRAWBRIDGE: Object to the
16 form of the question.

17 THE WITNESS: I would say
18 quarterly. It's, it's more of a hit-or,
19 hit-or-miss relationship. When there are
20 inflection points, we try to help them out
21 with either communication support of some
22 kind.

23 BY MR. KAMRAS:

24 Q What, what do you mean by "inflection
25 points"?

1 A I would say with the, with the various
2 litigation, there is -- again, we, we're a PR
3 firm, so we do litigation communications work on
4 occasion, and he falls into that category on
5 occasion due to some of these lawsuits.

6 Q Can you recall any of the particular
7 inflection points where you were asked by
8 Mr. Daleiden or CMP to provide some sort of
9 litigation PR work?

10 MR. STRAWBRIDGE: I'll just object
11 to the extent the question calls for, and
12 give the same limiting instruction, that you
13 can answer that question to the extent it
14 doesn't require you to reveal information
15 about Mr. Daleiden's litigation strategy or
16 work prepared by his attorneys in
17 anticipation of litigation.

18 BY MR. KAMRAS:

19 Q And are you following your counsel's
20 instruction?

21 A Yes, sir.

22 Q And I take it that that has been the
23 case throughout the morning, that when he has
24 instructed you, you've been following his
25 instruction?

1 not aware of who, other than CMP, for the invoices
2 in January 2019 or January/February of 2019,
3 whenever, whenever we invoiced them.

4 Q Yeah, so let me make sure I'm --

5 A Yeah.

6 Q -- I'm being more broad --

7 A Sure.

8 Q -- which is I wanted to know: In the
9 period of time that you, that CRC has been
10 providing services to Mr. Daleiden and CMP,
11 spanning to 2015 --

12 A Okay.

13 Q -- do you know whether your services,
14 CRC's services, have been paid for by a third
15 party?

16 A Am I aware of that?

17 Q Yes.

18 A Yes.

19 Q Okay, and do you know who or what third
20 parties?

21 A If I recall, Students For Life.

22 Q Is, is that Billy Valentine? Is he
23 still affiliated with Students For Life?

24 A I'm not aware of that.

25 Q Who is the, who is the contact, if you

1 versions of those tapes publicly? Are you aware
2 of that?

3 MR. STRAWBRIDGE: Object to the
4 form of the question.

5 THE WITNESS: I'm aware that he had
6 videotapes that he was looking to release to
7 the public. I'm aware of that, yes.

8 BY MR. KAMRAS:

9 Q Okay, and CRC was involved in the
10 process by which those tapes were released and,
11 and the media campaign associated with the release
12 of those tapes?

13 A Yeah, our job was to basically help get
14 publicity for them.

15 MR. STRAWBRIDGE: Let me just
16 advise the witness.

17 Give me a chance to get an
18 objection in before you answer --

19 THE WITNESS: Sorry.

20 MR. STRAWBRIDGE: -- Mr. Kamras'
21 question.

22 THE WITNESS: Correct.

23 BY MR. KAMRAS:

24 Q And so I wanted to understand whether
25 you had, you had any understanding whether

1 And when was that?

2 A Oh, let's see. That would have been in
3 1985.

4 Q And so what did you do between
5 graduating from college and 1989?

6 A Oh, boy. I came to Washington, and I
7 worked in the mail office of the United States
8 Senate, pitching mail at 4:30 in the morning. I
9 did some fundraising work for different potential
10 candidates, some -- mostly volunteer work for
11 those first three months after I graduated, and
12 then, then after that, I think I was a file clerk
13 in a law firm.

14 Q I'm sorry.

15 A They talked me out of going to law
16 school.

17 And then after that, I think I joined
18 another -- I think I joined a think tank, and then
19 I went to another PR firm before we founded or CRC
20 was founded.

21 I think that covers it, to my best
22 recollection.

23 Q What think tank?

24 A It was, it was called the National
25 Conservative Foundation back then.

1 THE REPORTER: The National --

2 THE WITNESS: -- Conservative

3 Foundation.

4 BY MR. KAMRAS:

5 Q Has it changed names?

6 A Well, I mean I don't know if it -- it
7 doesn't -- I don't think -- I don't, I don't know
8 this, so I would be guessing, but I don't know if
9 that any longer exists. What it matured into was,
10 was today what's called the Media Research Center.
11 It was a media watchdog group.

12 Q It's a media watchdog group that watches
13 for liberal bias; is that correct?

14 MR. STRAWBRIDGE: Object to the
15 form of the question.

16 THE WITNESS: Well, it does a lot
17 of things. One of the things it does is
18 documents liberal media bias, and it does
19 analysis, studies.

20 BY MR. KAMRAS:

21 Q Would it consider itself part of the
22 mainstream media?

23 MR. STRAWBRIDGE: Object to the
24 form of the question.

25 THE WITNESS: Would they? You'd

1 settled, and I don't recall how that -- right now
2 I don't remember how that work was done. It was
3 like, I think for like a month, running surrogates
4 and putting people on radio shows and things like
5 that, so I, I don't, I don't recall how that
6 structure worked, whether that was directly with
7 the Dole campaign or, or another enterprise.

8 Q Okay, and, and what about the Buchanan
9 campaigns? The same question: Was CRC retained,
10 or were you separately retained as part of that
11 campaign?

12 A That would have been CRC was retained.

13 Q Okay. So in, in 2015, you were, as
14 we've established, you were president of CRC.
15 What was -- what were your responsibilities as
16 president?

17 A Well, generally to play the role of the
18 strategist and consultant for our clients, engage
19 in media outreach, media relationships, if you
20 will, do some, some writing, and then I oversee
21 some of the higher level staff, but I oversee
22 staff.

23 I think that probably hits most of the
24 highlights.

25 Q Okay. Is there -- do you -- what is the

1 distinction between "strategist" and "consultant"?

2 A I don't know if there really is one.

3 Basically we're just helping planning publicity
4 efforts, messaging, things like that.

5 Q And what does it mean to help plan
6 publicity efforts?

7 MR. STRAWBRIDGE: Object to the
8 form of the question.

9 THE WITNESS: It's usually general
10 press materials in terms of, you know, how do
11 you roll something out to get news attention.
12 How do you -- press releases or statements
13 that are going to be published, to get that
14 information out to the public through the
15 press.

16 BY MR. KAMRAS:

17 Q Does that include coordinating
18 interviews with TV, with TV personalities?

19 A Yes.

20 Q Same as to radio personalities?

21 A Correct.

22 Q Does that, does that include
23 coordinating with written media to try to get
24 stories placed?

25 A You mean reporters or editors or

1 BY MR. KAMRAS:

2 Q Welcome back, Mr. Mueller.

3 A Thank you.

4 Q You understand that you're still under
5 oath?

6 A Yes.

7 Q Okay. How did you first become aware of
8 Mr. Daleiden?

9 A I think I first met David when he was
10 working for Live Action. I don't fully recall,
11 but I think that's when I first -- actually, I
12 don't even know if I physically met him. He was
13 on conference calls.

14 Q And what is Live Action?

15 A It's a pro-life group, best I could
16 describe it.

17 Q And it also had videotaped certain
18 abortion providers and released those tapes to the
19 media, correct?

20 A I don't recall if they videotaped.
21 They, they may have, but they, they, they did work
22 that was somewhat similar.

23 Q Somewhat similar to what Mr. Daleiden
24 and CMP later did in 2015?

25 A I would say somewhat similar.

1 Q Okay, and in what capacity was it that
2 you were on calls with Mr. Daleiden when he was at
3 Live Action? What was your role?

4 A If I recall, my role was to discuss
5 publicity efforts around that organization.

6 Q Was CRC engaged by Live Action?

7 A Yes.

8 Q And do you recall what those publicity
9 efforts were?

10 MR. STRAWBRIDGE: Let me just, let
11 me just caution the witness and, and just
12 state for the record that our understanding
13 of the issues in the case and the applicable
14 legal standards for overcoming First
15 Amendment privilege are such that we are, we
16 are in good faith producing a witness, and we
17 are going to allow inquiry into areas that
18 relate to Planned Parenthood and to
19 Mr. Daleiden and the activities of CMP, but I
20 think the witness has a First Amendment right
21 and a privilege not to disclose information
22 regarding activities they may have done for
23 other clients that are unrelated to Planned
24 Parenthood and are not otherwise public.

25 That is a limited instruction. It

1 Q Okay, and do you recall when you last
2 had dealings with Mr. Daleiden while he was at
3 Live Action?

4 A No, I don't recall when he was last
5 there.

6 Q Okay. Did you continue to have any
7 communication or conversations, interactions with
8 Mr. Daleiden after he left Live Action?

9 A Can you restate the question?
10 Because --

11 Q Sure. In between -- how about this?
12 Let me try this. When was the first time that you
13 and Mr. Daleiden spoke about the Center for
14 Medical Progress?

15 A So he called me -- I forget the timing
16 of it now, but obviously it was before these,
17 before the publicity effort started, but he called
18 me -- I don't know the year and the time frame. I
19 can't, I can't recollect the year or the time
20 frame, but he, but he reached out to me by phone,
21 seeking interest in engaging our services.

22 Q Sorry. Seeking interest --

23 A He was seeking our services. He was
24 interested in, in seeking our services.

25 Q Okay. So the, the undercover videos

1 that Mr. Daleiden filmed were released in July of
2 2015.

3 Do you recall that?

4 A I don't recall the exact date, but I
5 think that in that time frame is correct.

6 Q So with that -- and we'll date it with
7 more specificity later, but with that frame in
8 mind, can you tell me whether this call that you
9 were describing when Mr. Daleiden reached out to
10 you to solicit CRC's services, did that occur in
11 2015 or was it even before 2015?

12 A I'm not 100 percent sure, but I'm fairly
13 confident that he called us within the same year,
14 calendar year as he was planning to release the
15 videos. In other words, I don't think we -- I
16 don't think -- I think when he reached out to us,
17 it was in, it was in a -- I think it was in a --
18 I'm not fully confident about this, so I don't
19 recall specifically, but I think it was -- there
20 wasn't a lot of time between the time he called us
21 and the time he was releasing these videos.

22 Q Okay. So now working backwards, so
23 prior to that first call with respect to
24 Mr. Daleiden seeking CRC's services in connection
25 with the release of videos in 2015, prior to that

1 what you took "undercover" to mean. I, I think --

2 A "Undercover" to me means like when a
3 news, when a news outlet does an investigative
4 story, and essentially my understanding was he had
5 done an investigative story, and he was about to
6 publish the videos and the findings in those, in
7 those videos, and that he had, he had gone
8 undercover to do that.

9 Q Do you, do you believe that the Planned
10 Parenthood providers were aware that he was
11 filming them in the course of him taking these
12 undercover videos?

13 MR. STRAWBRIDGE: Object to the
14 form of the question.

15 THE WITNESS: I don't have any idea
16 what the Planned Parenthood folks would have
17 thought or whoever he was, whoever he was
18 interviewing at the time. I don't know what
19 they were thinking.

20 BY MR. KAMRAS:

21 Q Okay. I understand that you don't know
22 what they were thinking. I'm asking what you took
23 from his use of the phrase "undercover video," so
24 I'll just ask you again.

25 When you had that first call and he

1 described these videos as "undercover" videos, was
2 it your impression that the Planned Parenthood
3 providers were aware of the fact that they were
4 being filmed?

5 MR. STRAWBRIDGE: Object to the
6 form of the question.

7 MR. MONAGHAN: Objection.

8 THE WITNESS: I mean I, I was
9 assuming, which is an assumption, that when
10 somebody says they're going undercover, that
11 the person that they're interviewing is not
12 aware that they are being interviewed.

13 BY MR. KAMRAS:

14 Q Okay. That's what I would assume as
15 well.

16 Did Mr. Daleiden -- did Mr. Daleiden, on
17 that call or any other prior to the release of the
18 videos, describe -- well, strike that.

19 Did you, either then or later, come to
20 understand that Mr. Daleiden and his -- and others
21 at the Center for Medical Progress filmed these
22 undercover videos at -- including at Planned
23 Parenthood conferences?

24 MR. STRAWBRIDGE: Object to the
25 form of the question.

1 THE WITNESS: Can you repeat the
2 question?

3 BY MR. KAMRAS:

4 Q Sure. Did you -- at some point did you
5 come to the understanding that Mr. Daleiden filmed
6 these videos at Planned Parenthood conferences?

7 A I mean -- you mean at some point during
8 our work for him?

9 Q Yes.

10 MR. STRAWBRIDGE: Same objection.

11 THE WITNESS: I think at some -- I
12 mean obviously during our work, we knew
13 that -- mostly what I knew was that he had,
14 he had gotten them, uh, he had gotten the
15 videos. I didn't know all the specifics of,
16 of how or where he got them, but I was aware
17 they were at conferences. I don't know if
18 they were Planned Parenthood conferences, but
19 they were conferences that involved folks
20 from the abortion industry.

21 BY MR. KAMRAS:

22 Q Okay, so -- and were you aware -- either
23 on that first call or at any later point, did
24 Mr. Daleiden describe to you how he was able to
25 get access to these conferences?

1 MR. STRAWBRIDGE: Object to the
2 form of the question.

3 THE WITNESS: I don't recall any
4 discussion about how he went about it. Most
5 of our discussions were about how we would
6 get publicity once he published the videos.

7 BY MR. KAMRAS:

8 Q Again, on that first phone call or at
9 any other time, did Mr. Daleiden discuss with you
10 having signed confidentiality agreements in order
11 to access the conferences?

12 MR. STRAWBRIDGE: Object to the
13 form of the question.

14 THE WITNESS: I don't recall a
15 conversation I had with him that he informed
16 me of anything like that. I just don't
17 recall that.

18 BY MR. KAMRAS:

19 Q Did -- again, on that first phone call
20 or at any other time, did Mr. Daleiden discuss
21 with you having procured a false driver's license
22 in order to gain access to either conferences or
23 Planned Parenthood facilities?

24 MR. STRAWBRIDGE: Object to the
25 form of the question.

1 THE WITNESS: I don't recall him --
2 I don't recall him ever informing me of that.
3 Most of our conversations were about media,
4 strategy to get publicity for the videos.

5 BY MR. KAMRAS:

6 Q I understand. I get that that was the
7 focus of your conversation. I just want to make
8 sure I understand the full scope.

9 Did -- are you aware, whether from
10 Mr. Daleiden or otherwise, that he obtained a
11 false identification in the course of doing his
12 work with the Center for Medical Progress?

13 MR. STRAWBRIDGE: You're asking if
14 he's aware today?

15 BY MR. KAMRAS:

16 Q Yes.

17 A That's what I was going to ask.

18 MR. MONAGHAN: Objection. Vague.

19 MR. STRAWBRIDGE: I'll also object
20 to the form.

21 THE WITNESS: Can you repeat,
22 please?

23 BY MR. KAMRAS:

24 Q Yes. Are you aware that Mr. Daleiden
25 obtained a false identification in order to gain

1 were shorter versions of all of that tape which
2 was released to the public, correct?

3 A Can you restate the question? I'm
4 sorry.

5 Q Yeah, so let's take the first video.
6 That first video; do you recall the first video
7 that was released on July 14, 2015, involved
8 Dr. Nucatola of Planned Parenthood? Do you recall
9 that?

10 A I recall the video.

11 Q Okay, and you recall that at least
12 portions of that video were from a lunch that
13 Dr. Nucatola had with Mr. Daleiden when he was
14 posing undercover, correct?

15 A Yes, I'm aware of that.

16 Q Okay, and the video -- the actual lunch
17 was I think two and a half to three hours long.
18 Are you aware of that?

19 A I was not aware of the details of that
20 lunch.

21 Q You understand that it was -- all right.
22 Well, strike that.

23 There was a -- the video that was
24 released on July 14, 2015, by CMP was not the
25 video of the entire lunch, correct?

1 MR. STRAWBRIDGE: Object to the
2 form of the question.

3 THE WITNESS: I'm aware that the
4 videos -- there's raw footage, and then
5 there's the videos that were published for,
6 for public interest purposes.

7 BY MR. KAMRAS:

8 Q Okay. Did you -- prior to the release
9 of any of the videos, whether on July 14 or
10 otherwise, did you watch, as you put it, the "raw
11 footage" from which the released videos were
12 taken?

13 A I watched, I watched, I watched the
14 videos that he was producing. I don't, I don't
15 recall if I watched all the hours of the videos.

16 Q Okay, and when you say "the videos that
17 he was producing," just so we're clear, you're
18 referring to the videos that typically ran a
19 number of minutes, correct?

20 A Yeah.

21 Q They would be maybe five minutes or
22 maybe even as long as ten minutes long, correct?

23 MR. MONAGHAN: Objection.

24 MR. STRAWBRIDGE: Object to the
25 form of the question.

1 THE WITNESS: So the videos I
2 reviewed were what he was planning to release
3 to the public, and then our job was to help
4 him get attention for those. These videos
5 were very similar to how you put a news
6 segment together, but frankly they were
7 longer than your average news segment that
8 you see on the nightly news or on cable TV.
9 Those are the videos I, I mostly focused on.

10 BY MR. KAMRAS:

11 Q Okay, and you don't recall having viewed
12 the, as you put it, the "raw footage" from which
13 it was taken -- from which these produced videos
14 were taken?

15 A I don't recall looking at hours and
16 hours of video, the raw, the raw video.

17 Q Still focusing on the period of time
18 before the first video was released on July 14,
19 2015, did Mr. Daleiden, whether on that first call
20 or thereafter, describe to you what he hoped to
21 accomplish by releasing these videos to the
22 public?

23 A I don't recall. On that first call --
24 my best recollection of that first call and much
25 of the planning that we were involved in was about

1 the strategy to get the videos out through the
2 media to the public. That was generally what most
3 of our conversations were about.

4 Q Okay, but you understood that, as with
5 most clients, he had some reason for releasing
6 these videos, right?

7 A Sure. I think he was trying to get the
8 truth out about what he found.

9 Q Okay, so that's -- I want to know what
10 he told you about, if anything, about what his
11 purpose was in releasing the videos.

12 A This is on the first call or just
13 generally?

14 Q At any time prior to the release of the
15 first video.

16 A Okay. I don't recall we had very much
17 of a conversation about what he was trying to
18 accomplish. It seemed to me to be pretty obvious.
19 He was -- he had video of what was being, was
20 happening at these events, what they were talking
21 about, and he wanted to release that to the
22 public, and, and -- but I don't recall him
23 specifically saying here's our end game or here's
24 our objective. I don't, I don't recall that. It
25 may have happened, but I don't recall it.

1 That was mostly the conversations we
2 had. Is that going to -- was something like this
3 going to be a sort of negative public relations
4 problem? Yeah, absolutely, and I think Planned
5 Parenthood stated so.

6 Q But you understand that that was his
7 intent, right? His intent was to create negative
8 public relations for Planned Parenthood?

9 MR. STRAWBRIDGE: Object to the
10 form of the question.

11 THE WITNESS: My understanding of
12 his intent -- and you'd have to ask him these
13 questions, and I'm sure you, you will -- was
14 he was simply trying to get this information
15 out to the public. He was trying to get the
16 truth out to the public based on what his
17 investigations had found.

18 BY MR. KAMRAS:

19 Q And, and his hope and expectation as set
20 forth here is that this would help to "create and
21 sustain an environment in which public policies
22 and initiatives that hurt the abortion industry
23 and restrict abortion will be more likely to be
24 successful."

25 MR. STRAWBRIDGE: Object to the

1 did, getting that out to the public, given
2 the taxpayer funding of these, some of these
3 organizations and this information, part of
4 the, part of the goal was to put that on the
5 radar of public policy professionals and, and
6 law enforcement to, to see if there was any,
7 any, any concerns that they would have with
8 it.

9 BY MR. KAMRAS:

10 Q Okay. Do you -- where in this -- well,
11 strike that.

12 What he says in this goal statement or
13 statement of goal is -- you're right. He
14 references illegality, but what he says is "to
15 leverage evidence of Planned Parenthood's illegal
16 supply of fetal tissue to maximum negative
17 impact -- legal, political and professional,
18 public -- on Planned Parenthood."

19 And so I want to understand whether
20 Mr. Daleiden expressed to you an intent and
21 expectation that by releasing these videos, having
22 filmed, produced and released these videos, that
23 he could leverage, make use of what he claimed was
24 evidence of illegal conduct in order to inflict
25 maximum negative impact on Planned Parenthood?

1 MR. STRAWBRIDGE: Object to the
2 form of the question.

3 THE WITNESS: I don't recall
4 specifically him putting it quite that way,
5 but I, I recall conversations, although again
6 most of our conversations were about
7 publicity efforts, but I do recall
8 conversations in which he was talking about
9 that there were potentially illegal acts, in
10 his view, that was going on, or illegal
11 activity that was going on here, and that
12 this might have an impact on taxpayer funding
13 of the organization, that therefore these
14 videos would be of interest to the public who
15 are paying the taxes for that, that
16 organization.

17 BY MR. KAMRAS:

18 Q Do you see taxpayer funding referenced
19 in this statement of goal on this page?

20 A Not in this particular one, no.

21 Q I'm going to turn to -- well, strike
22 that.

23 Turn to page 2 of the document, and
24 you'll see at the -- toward the top there's a
25 paragraph which is entitled "Finish NAF

1 confused by what you're trying to ask.

2 BY MR. KAMRAS:

3 Q Well, strike it, strike it.

4 A Yeah.

5 Q Were you and C, or CRC -- excuse me.

6 I'll try that again.

7 Were you or CRC involved in helping to
8 coordinate messaging with AUL, NRLC, and SBA
9 concerning the release of the videos that
10 Mr. Daleiden had filmed and produced?

11 A I mean -- do you mean was I talking to
12 these organizations on how they should message
13 once they came out?

14 Q Well, start there, sure.

15 A So again, our role in here in terms of
16 what they hired our PR firm to do was to provide a
17 media strategy to get the videos out once they
18 were published, and then that usually included a
19 press release that would go out to all the groups
20 so they could engage with that content and get
21 messages out as they saw fit to their audiences.
22 That's generally what we did.

23 Q And did you have conversations with AUL,
24 NRLC, and SBA about what those press releases
25 should say or what the messaging about the videos

1 should be?

2 A I don't recall -- I -- to the best of my
3 knowledge, we didn't write any of their press
4 releases for them.

5 In terms of us suggesting how they might
6 communicate or what was on the videos, that was
7 sort of in the press releases already. All we did
8 was push them out, if you will, to different, some
9 of these different enterprises.

10 By the way, not all these enterprises.
11 I don't know that -- I don't recall some of these
12 enterprises being on list distributions when we
13 released videos, myself. Some of them were, but
14 I'd have to go back and look. I don't recall all
15 these organizations being on those distributions,
16 but the idea, the general question I think you're
17 asking is, did we assist in the messaging of, of
18 what was on these videos. Yes. That was part of
19 our role.

20 Q And how did you assist in that
21 messaging?

22 A Basically when the videos were coming
23 out, the press releases would go out, and then we
24 would communicate what was on the videos.
25 Basically the content again was already there.

1 You didn't have to do very much messaging.

2 Q When you say you would, you, CRC, would
3 communicate the content of the videos, communicate
4 to whom? Just to make sure I understand.

5 A So when the press releases were written,
6 we would send out emails to media and
7 organizations, alerting them to what was the
8 content of the videos, and then there would be a
9 statement from Mr. Daleiden in those. He mostly
10 wrote his own stuff and his own statements. He
11 would consult with me, "is this the best way to
12 say this," or something like that.

13 Q Okay. Why don't we turn to Exhibit 304.

14 MR. STRAWBRIDGE: Should we take
15 lunch soon? I don't know how long you want
16 to spend with this exhibit.

17 MR. KAMRAS: Why don't we look at
18 this first, and then we can break. That's
19 fine.

20 MR. STRAWBRIDGE: Okay. Is that
21 okay, is that okay with you?

22 THE WITNESS: Yeah, that's fine.

23 BY MR. KAMRAS:

24 Q I wanted to talk about this, because you
25 had referenced distribution lists --

1 A Yes.

2 Q -- and organizations that were on the
3 distribution lists, and you'll see that this is --
4 this, which is Exhibit 304, is an email dated
5 July 13, 2015.

6 Do you see that?

7 A Yes, I do.

8 Q Okay, and so that's the day before the
9 first video was to be released, correct?

10 A I don't recall the exact date of when
11 the first video, but --

12 Q Well, look down at the bottom of this
13 email, and you'll see --

14 A So there's the -- okay, so there's the
15 embargo. Got it. Got it.

16 Q Let me -- so we're not talking over each
17 other, if you look down at the bottom of the
18 email, you'll see that there's an "embargoed press
19 release concerning the release of a video
20 concerning Planned Parenthood," right?

21 Do you see that?

22 A That's correct.

23 Q Okay, and it's embargoed until 8:00 a.m.
24 on July 14, 2015, correct?

25 A Correct.

1 Q Okay, and this email is dated the day
2 before, July 13.

3 Do you see that?

4 A Yes, I do.

5 Q Okay, and there are quite a number of
6 people who are identified on the "to" list.

7 Do you see that?

8 A Yes, I do.

9 Q Okay, and is this one of -- you had
10 mentioned that you recall there being like
11 distribution lists in which or through which the
12 videos would be circulated or press releases would
13 be circulated, and is this an example of such a
14 distribution list?

15 A I mean are you asking me if the
16 information that we sent out when we release
17 videos, did it go to this list every time?

18 Q This list or a, you know, similar list.

19 A It would, it would be a similar list,
20 not this exact list.

21 Q Okay, and, and this list includes --
22 you'll see that the email that Mr. Daleiden writes
23 is -- the greeting is "Dear Pro-Life Leaders."

24 Do you see that?

25 A Yes, yes. I'm sorry. Yes.

1 Q You do? Okay, and the, the people to
2 whom this list -- excuse me -- this email was sent
3 include people from Americans United for Life,
4 right?

5 You see Charmaine Yoest there?

6 A Yes, I do see Charmaine's name there.

7 Q Okay, and it includes the people from
8 the Susan B. Anthony List, right?

9 A Yes.

10 Q Okay, and it includes people from Life
11 Legal Defense Foundation?

12 MR. MONAGHAN: Objection. Form.

13 THE WITNESS: Okay. So I am not
14 familiar with Life Legal Defense Foundation
15 or who, who works for them.

16 BY MR. KAMRAS:

17 Q All right. It includes representatives
18 from Alliance Defending Freedom, correct?

19 A At that, at that time, that -- there was
20 an individual on here who worked there.

21 Q Okay, and, and others. Do you -- I
22 think there, there are people from the Federalist
23 Society.

24 Do you see that? Mr. Leo --

25 A Yes.

1 Q -- for example?

2 A Yep.

3 Q Okay. There's Reverend Pavone from --
4 the national director of Priests for Life.

5 Do you see that?

6 A Yes, I see his name.

7 Q Okay. Are you familiar with Mister --
8 excuse me -- with Reverend Pavone?

9 A Do I know Father Frank? Yeah, I'm aware
10 of who he is, yeah.

11 Q Okay. There's Cheryl Sullenger from
12 Operation Rescue, correct?

13 A She's on here, yeah.

14 Q Okay. Shawn Carney from 40 Days For
15 Life.

16 Do you see him?

17 A I do see him.

18 Q Okay. Do you consider these to be, as
19 Mr. Daleiden described them, "pro-life leaders"?

20 MR. MONAGHAN: Objection.

21 Speculation.

22 MR. STRAWBRIDGE: Objection to
23 form.

24 THE WITNESS: Yeah, I'm not so sure
25 how you would define "pro-life leaders,"

1 so . . .

2 BY MR. KAMRAS:

3 Q And do you know -- again, do you know
4 whether -- strike that.

5 Mr. Daleiden continues, or he starts,
6 "Dear Pro-life Leaders, thank you for your passion
7 and your engagement thus far."

8 Do you see that?

9 A I see that in the first sentence, yeah.

10 Q Do you know how these pro-life leaders,
11 as Mr. Daleiden characterizes them, had been
12 engaged thus far?

13 A I, I don't recall how they were, how --
14 what they might know at this point, based on this
15 date.

16 Q But you do understand that there was
17 some coordination with these pro-life leaders
18 prior to the release of the first video?

19 MR. STRAWBRIDGE: Object to the
20 form of the question.

21 MR. MONAGHAN: Same objection.

22 THE WITNESS: Ask me again.

23 BY MR. KAMRAS:

24 Q Yeah, you had previously mentioned that,
25 for example, prior to the release of a video, you

1 would circulate the -- a press release, that you
2 would circulate the video, that there was some
3 discussion about messaging with other pro-life
4 organizations.

5 Do you recall that testimony?

6 A Yes, yes, yes. So, so if there were --
7 so information before a video, this video, went
8 out, obviously reached these people.

9 Q Okay, and so I was just confirming that
10 prior to the release of the video, there was,
11 there was some coordination along the lines that
12 you had just described with --

13 A True.

14 Q -- these or other pro-life
15 organizations.

16 A Accurate.

17 MR. KAMRAS: Okay. Okay. I think
18 we can take a break.

19 MR. STRAWBRIDGE: Okay.

20 THE VIDEOGRAPHER: The time is
21 12:36. We are going off the record.

22 (Whereupon, the lunch recess was
23 taken.)

24 THE VIDEOGRAPHER: The time is
25 1:31, and we are back on the record.

1 A Okay, yeah, so ask me your question
2 again. I'm sorry.

3 Q I think you --

4 MR. STRAWBRIDGE: I'm not so sure
5 there's a pending question.

6 BY MR. KAMRAS:

7 Q You answered it.

8 A I'm sorry. I was waiting for the next
9 question. I'm sorry.

10 Q All right. Very good. Thank you.

11 MR. KAMRAS: Okay. I'm going to
12 mark as next in order, which is Exhibit 321.

13 (Exhibit 321 was marked for
14 identification.)

15 BY MR. KAMRAS:

16 Q This is an email string which is dated
17 July 15, 2015, Bates-stamped CM20708 through 717.

18 You're, you're certainly welcome to
19 review it in full, Mr. Mueller. What I wanted to
20 direct your attention to is the fourth page, which
21 is Bates-stamped ending 711.

22 Do you see where I am?

23 A Let me just flip to there. Okay. Yeah,
24 I'm on 711.

25 Q Okay, and you'll see that this is

1 July 15, the day after the videos -- the first,
2 excuse me, of the videos was released, and there's
3 an email roughly in the middle of the page from
4 Autumn Christensen --

5 A Yes.

6 Q -- at 12:52 p.m. Do you see that?

7 A Yes, I see it.

8 Q Okay. Do you know who Autumn
9 Christensen is?

10 A Yes.

11 Q Who is Autumn?

12 A Autumn is, is a pro-life sort of
13 activist, but she worked on Capitol Hill for a
14 while. I think during this period she was on
15 Capitol Hill.

16 Q Is -- Autumn worked with the Pro-Life
17 Caucus; is that correct?

18 A I think that's correct, yes.

19 Q Okay, and the Pro-Life Caucus, if I
20 understand correctly from Mr. Robbio yesterday, is
21 a caucus of members of Congress who are pro-life;
22 is that correct?

23 A That's correct.

24 Q Okay.

25 A That's why it's called the Pro-Life

1 Caucus.

2 Q I got that.

3 MR. STRAWBRIDGE: I wish all the
4 questions were that easy.

5 BY MR. KAMRAS:

6 Q Yeah, yeah, and so what Ms. Christensen
7 says here is, "I have to congratulate David here
8 for doing a great job of working with folks on the
9 Hill to grease the skids so we could respond
10 appropriately quickly."

11 Do you see that?

12 A I do.

13 Q Okay, and you reply just above it, "Big
14 fat amen," right?

15 A Mm-hmm, yes.

16 Q Okay. Do you have -- at the time you
17 wrote that, did you have an understanding of what
18 "folks on the Hill" Ms. Christensen was referring
19 to?

20 A I do not.

21 Q Okay. Were you or CRC in any way
22 involved -- strike that.

23 What -- do you know what -- I mean you
24 replied "big fat amen," so when you did so, what
25 did you, what did you think she meant by "grease

1 with folks on the Hill"?

2 A I don't, I don't recall what she might
3 have meant about that. I think my comments were
4 mostly around the fact that the launch had been --
5 the launch of these videos had been pretty
6 successful.

7 Q Okay. So your recollection is that
8 you're, you're really sort of agreeing with the
9 first sort of two and a half lines of her
10 eight-line email and not the rest of it?

11 A I think the -- my comment here -- I
12 don't recall what I'm specifically talking about
13 in this comment, to be frank.

14 Q All right, and so was -- were you or CRC
15 involved in working with members of Congress or,
16 or other politicians prior to the release of this
17 first video on July 14?

18 A Most of our work was all publicity and
19 media, so we, we're not, we're not a lobbyist, so
20 we don't normally do work with anybody on the Hill
21 in that regard in terms of lobbying or anything
22 like that. Work product that we're involved with
23 might find its way up to the Hill through others
24 or we might send it out.

25 You know, obviously I was communicating

1 with Autumn as, as -- I forget what her title was
2 at the Pro-Life Caucus, but most of the work we do
3 is more publicity driven, not trying to work
4 legislation or anything like that.

5 Q Okay, but you, you did understand that
6 the communications or the, the literature or other
7 material that you provided to Ms. Christensen
8 would end up with at least some members of the
9 Pro-Life Caucus?

10 A I don't know what she did with them when
11 she got them, but I would assume that she would
12 share certain bits of information with the members
13 of her caucus.

14 Q I mean that was your expectation in
15 providing --

16 A Yeah.

17 Q -- that information to her, correct?

18 A Yeah, when we sent the releases out
19 about the videos -- and, and I'm assuming she was
20 on the receiving list of some of these, I don't
21 recall, actually. I'm assuming that she would --
22 part of her job -- you'd have to ask her, but part
23 of her job would be to disseminate those to the
24 Pro-Life Caucus.

25 Q And on -- and you said that most of your

1 work was with respect to media, and so what work
2 did you or CRC do prior to the release of the
3 first video to -- or with media in order to
4 prepare them for the release of the media --
5 excuse me -- of the videos?

6 A So our basic work before the -- you're
7 asking what was the work that you would do before
8 the video would be released?

9 Q Yeah, yeah.

10 A Okay. So our work would mostly be
11 involved with -- David largely wrote the press
12 releases, because he was the one that was most
13 familiar with what the videos were, the content of
14 them. We mostly would discuss how we were going
15 to then get the videos out to the public and which
16 media outlets, or would you specifically pick one
17 or two journalists to give them to first, what's
18 known in our industry as an "exclusive," or did we
19 think we should just let them out and, and, and
20 have the media react to them however they saw fit
21 from a news standpoint.

22 Q And which did you decide in this case?

23 A I'm not remembering exactly. I think --
24 I'm not 100 percent sure, but I think I recall
25 that we -- I think I recall that we just released

1 Q Okay, and then you reply, "Okay. Wait.
2 If any of that could be wrong, that could be a
3 problem. Stick to what you know and can prove."

4 Do you see that?

5 A Yes, I do.

6 Q Okay. Why would it be a problem if any
7 of what Mr. Daleiden said had been wrong?

8 A Well, first of all --

9 MR. STRAWBRIDGE: Object to the
10 form of the question.

11 THE WITNESS: Okay. First of all,
12 as a public relations professional, we have
13 an obligation to make sure that information
14 that's going out is, is based on some level
15 of evidence, and we were very careful, if I
16 recall, during this, to stick to what was
17 found in his investigation on those videos,
18 the things he found in his investigation
19 based on those videos.

20 So I was always trying to be
21 careful, the best of my recollection at the
22 time, to be -- not to have any of this be
23 speculative.

24 BY MR. KAMRAS:

25 Q Okay. So you thought it was important

1 that the information that was provided to the
2 media and made public was accurate?

3 A I would say that's a fair term, yeah.
4 Mostly what I -- my view is the videos spoke for
5 themselves, so stick to what was in the video
6 investigation that you -- the things you
7 discovered, you're trying to get the truth out
8 about what you discovered. So everything I was
9 writing here, my best recollection, had to do with
10 that.

11 Q But we discussed earlier that you did
12 not view the raw footage of the videos prior to
13 the produced versions of the videos being
14 released, correct?

15 A The best of my recollection, I did not
16 sit through hours and hours of whatever video, raw
17 video he had. I was mostly focused on him saying
18 here is the stuff I'm going to publish, what do
19 you think, and I give him my opinion.

20 Q Okay, and so you were -- I presume you
21 were relying on Mr. Daleiden to confirm that the
22 produced versions of the videos accurately
23 conveyed the subject and content of the raw
24 footage in the videos?

25 A Say that -- repeat the question. I'm

1 MR. MONAGHAN: Objection. Form.

2 THE WITNESS: Okay. I didn't

3 see -- again, most of my focus on the videos

4 was here's what I'm -- here's what we have,

5 here's what I have, and here's what we're

6 looking at rolling out, what do you think.

7 BY MR. KAMRAS:

8 Q All right, and just to be clear, what

9 you, what you had that you were looking at was the

10 produced versions of the videos that were going to

11 be released publicly?

12 A That, that's my recollection, okay? I,

13 I don't recall seeing a lot of footage beyond

14 that, but I probably saw some.

15 Q Okay.

16 A One point I will make on that, though.

17 All of the video footage -- most of the video

18 footage that he got was published up afterwards.

19 So in other words, they would go out with a five-

20 to seven-, ten-minute video, whatever he was -- on

21 any of these different sequences, and then after

22 that was published, he would put, if I recall, the

23 rest of the raw video largely up on the website,

24 which, I might add, is more than a lot of news

25 organizations do after they interview for 30

1 whether people were going to be more likely to
2 view the short produced forms of the video or the
3 long unedited versions of the videos?

4 A Oh, I would anticipate that -- you're
5 asking my opinion about that --

6 Q I'm asking if --

7 A -- as a PR professional?

8 Q -- at the time, at the time when you
9 were actually engaged in this project, what was
10 your expectation about whether people were going
11 to be more like -- once videos were released,
12 whether people were going to be more likely to
13 view the short produced versions of the videos or
14 the long unedited versions of the videos.

15 MR. STRAWBRIDGE: Object to the
16 form.

17 THE WITNESS: So I think our -- my
18 approach, my understanding of this was that
19 we were trying to produce it very similar to
20 how the news business goes about producing a
21 report.

22 You get, you get a lot of footage
23 in your investigation. You can't use all of
24 it, because you have to disseminate it in a
25 reasonable way for the public to capture, and

1 that was basically what was done. It's very
2 similar to how you would produce a short -- a
3 longer form segment on a news program. So
4 that was basically the expectations.

5 Obviously, people are going to tend
6 to review something in a shorter form than
7 they are a longer form, but I think David was
8 very adamant about always, I think, pretty
9 sure, putting up information, the whole video
10 so people could see that, journalists could
11 look at it, and the public could see it, but
12 the idea that you would shorten a video to,
13 to get it out, just similar like the news
14 media does when they do their reporting, was
15 certainly the way, the way he went about it.

16 BY MR. KAMRAS:

17 Q Okay, and I appreciate that explanation,
18 but what I heard in the middle of all that
19 explanation was an agreement that people were more
20 likely to view the short videos than the long
21 unedited versions.

22 A I think it's an accurate statement that
23 people are going to see something in a shorter
24 form than a longer form, and that might then pique
25 their interest to go look at the longer form.

1 Q Okay, and, and that was your expectation
2 at the time that these videos were released,
3 correct?

4 A I think that's a fair assessment.

5 MR. KAMRAS: Okay. All right.

6 Mr. Mueller, I will hand you what will be
7 marked as Exhibit 323.

8 (Exhibit 323 was marked for
9 identification.)

10 BY MR. KAMRAS:

11 Q This is a multiple-page email string,
12 beginning Bates stamp CM22260, running through 67,
13 and I want to start us at the beginning of the
14 exchange, which is to say the last page of the
15 document.

16 A Okay.

17 Q All right, and it just begins with an
18 email from you dated July 22 at 7:08 a.m., but
19 it's not clear what, if anything, was included in
20 that email.

21 Do you see where I am?

22 A Yeah.

23 Q Okay, and then there is another email
24 from you above that in which you are forwarding
25 what appears to be a link to a CBS news article.

1 A I don't, I don't recall, I don't recall
2 now whether there was any conversation about that,
3 but there might have been.

4 Q And do -- and you recall that, in fact,
5 the Pope did not reference these videos in his
6 address to Congress?

7 A I, I don't recall what the Pope said to
8 Congress.

9 Q Right. He didn't reference abortion at
10 all in his address to Congress?

11 A He didn't? I don't recall.

12 MR. STRAWBRIDGE: Object to the
13 form of the statement.

14 MR. MONAGHAN: I'll join in that
15 objection.

16 MR. KAMRAS: Okay. We're going to
17 mark as next Exhibit 326, and this one I
18 actually don't have another copy of.

19 (Exhibit 326 was marked for
20 identification.)

21 (Discussion was held off the
22 record.)

23 BY MR. KAMRAS:

24 Q All right. So this document which has
25 been marked as Exhibit 326 is a two-page exchange

1 which is Bates-stamped CM07386 through 87, and it
2 is dated in early May of 2015.

3 Do you see that?

4 A I do.

5 Q Okay, and it begins with, on May 1, with
6 Kellyanne Conway emailing Mr. Daleiden.

7 Do you see that?

8 A I, I do.

9 Q And she says, "Dear Mr. Daleiden, thank
10 you for contacting us with respect to your focus
11 group needs," right?

12 A I do see that, yes.

13 Q Okay, and, and then Mr. Daleiden
14 replies.

15 Does this refresh your recollection
16 about whether any focus groups occurred in or
17 around the time of May 2015?

18 MR. STRAWBRIDGE: I'll object to
19 the form of the question.

20 MR. MONAGHAN: Join in the
21 objection.

22 MR. STRAWBRIDGE: I'm sorry if you
23 pointed this out, Counsel. I'll just note
24 for the record that this is not an email in
25 which the witness appears to have been

1 the will -- the interest in doing focus groups.

2 Q Do you know when that conversation
3 occurred?

4 A I don't think I could put a date on it.

5 Q Do you know whether it was before the
6 first video was released in July of 2015 or after?

7 A My, my recollection -- and again, I
8 don't want to guess here too much. My, my
9 recollection was when I had first heard a
10 discussion about this was, was after the videos
11 were out, but I, I'm not recalling specifically,
12 but I was, I was aware of conversations that were
13 being had about doing focus groups.

14 Q Okay. So now I'll have you look at what
15 was previously marked as Exhibit 316.

16 A Do I have that one?

17 Q You do now.

18 A Okay. Thank you. This would be 18.

19 Q Correct.

20 So this is now in August of 2015, and
21 you'll see that there is a -- this, this exchange
22 begins with an email from you, dated August 11, to
23 Mr. Ruddy and his colleague, Mr. Allen, as well as
24 Leonard Leo.

25 Do you see that?

1 startle and concern anybody who saw what was
2 in those videos.

3 BY MR. KAMRAS:

4 Q So isn't that a yes, that you expected
5 that the videos would generate negative publicity
6 and reaction towards Planned Parenthood?

7 MR. MONAGHAN: Objection. Asked
8 and answered.

9 MR. STRAWBRIDGE: Objection.

10 MR. KAMRAS: It's been asked. I'm
11 not sure it's been answered.

12 MR. STRAWBRIDGE: It certainly
13 hasn't been answered the way that you would
14 prefer, but I do think it has been answered.

15 THE WITNESS: Our goal in the, in
16 this whole thing was to take David's
17 investigation, what he found, which pretty
18 much is on those videos, and, and take it to
19 the public and, and, and encourage the public
20 to see what's happening with money that
21 they're, as taxpayers, funding an
22 organization, and that organization is
23 engaging in -- and that, in our view, was in
24 the public interest, and the fact that we
25 would hopefully get members of Congress or

1 elected officials or policymakers to consider
2 that information in the things they do daily
3 as representatives was absolutely one of the
4 goals.

5 BY MR. KAMRAS:

6 Q Okay, and I understand you, you keep
7 talking about the goals, and what I actually asked
8 you about was your expectation.

9 And so isn't it true that your
10 expectation is that in bringing this
11 information -- that is, the videos -- to light,
12 and in particular in doing so in swing states and
13 key markets, as you put it, and targeting
14 vulnerable Democrats, that you expected that these
15 videos were going to generate negative publicity
16 and attention for Planned Parenthood?

17 MR. STRAWBRIDGE: Object to the
18 form.

19 MR. MONAGHAN: Join in the
20 objection.

21 THE WITNESS: I don't think I
22 expected that if people saw these, they would
23 be excited about what was happening in
24 Planned Parenthood clinics.

25

1 don't recall how he used them. Yeah, I don't
2 recall how, how David might have used them. I
3 don't know.

4 Q And just to be clear, do you recall, if
5 it's at all different, how CMP may have used the
6 results?

7 A I was kind of suggesting David and CMP
8 are one. I don't, I don't recall what he did
9 with -- when he got the results and all that, I
10 don't know what he did with them, whether he
11 talked to other people about them or shared them
12 with people or not, other than the people that
13 were involved in the, in, in the process.

14 Q Did you or CRC make use of the results
15 or findings from the focus group?

16 A I think the only thing we did was -- I
17 think we might have informed other people, but I
18 don't recall specifically who or how we did it,
19 about, about what the focus groups had found.

20 MR. KAMRAS: We'll mark this as
21 Exhibit 329.

22 (Exhibit 329 was marked for
23 identification.)

24 BY MR. KAMRAS:

25 Q This is a printout from last night, I

1 will represent to you, from the CRC website.

2 Does this look familiar to you?

3 MR. STRAWBRIDGE: I'll just note
4 for the record this appears to be a partial
5 capture of the website. There's stuff cut
6 off on the right margin.

7 MR. KAMRAS: You are correct. So
8 stipulated.

9 MR. STRAWBRIDGE: Okay.

10 BY MR. KAMRAS:

11 Q Although I do not intend to ask you,
12 Mr. Mueller, about the right margin, but your
13 counsel is correct.

14 Does this nonetheless otherwise appear
15 to be a printout from CRC's website?

16 A It does, but I will tell you that
17 there -- I don't know if I've actually seen this,
18 because we are recently updating the website,
19 because we have moved over to CRC Strategies, so I
20 don't know if I'm familiar with everything on
21 here, but it says our website, and I'm sure it is.

22 Q Okay, and at the bottom -- this is
23 entitled "Case Studies" --

24 A Right.

25 Q -- as you see, and there are different

1 industries, it appears to me, that are being

2 described here, and in the bottom left is

3 "Politics."

4 Do you see that?

5 A Correct. Yes.

6 Q Okay, and it says that "CRC spearheaded

7 a ten-week communications program when Justice

8 Neil Gorsuch was nominated for the Supreme Court."

9 Do you see that?

10 A I do.

11 Q Is that accurate?

12 A That's accurate, yes, mm-hmm.

13 Q And then under "Publications," it

14 provides or states that "CRC has promoted more

15 than 75 New York Times best sellers."

16 Do you see that?

17 A Yes, I do.

18 Q And then below that it has, "Some of the

19 best-selling authors we have worked with include,"

20 and then, among others, it has Newt Gingrich.

21 Do you see that?

22 A Yes.

23 Q Is that accurate?

24 A That is accurate.

25 Q And Matt Drudge; is that accurate?

1 A Correct.

2 MR. KAMRAS: And I'm going to mark

3 as next in line, which is Exhibit 330.

4 (Exhibit 330 was marked for

5 identification.)

6 BY MR. KAMRAS:

7 Q This is an article from the Judicial

8 Crisis Network, or I should say it's a post from

9 the Judicial Crisis Network.

10 Are you familiar with the Judicial

11 Crisis Network?

12 A Yes, I am.

13 Q Okay. What is it?

14 A It is a judicial activist 501(c)(4)

15 organization that gets involved in judicial

16 issues.

17 Q And in -- you'll see that this is

18 actually a press release, I guess, and it's dated

19 January 9, 2017, and the contact for the press

20 release is Peter Robbio.

21 Do you see that?

22 A Yes.

23 Q Okay, and do you know whether

24 Mr. Robbio, in fact, worked on the campaign for

25 the Judicial Crisis Network?

1 A Yes. Peter was, was one of our
2 executives that worked on -- comes in and out of
3 the JCN operation.

4 Q Okay, and the press release touts this
5 as a "\$10 million campaign to preserve Justice
6 Scalia's legacy."

7 Do you see that?

8 A I do.

9 Q Okay, and then it begins, "The Judicial
10 Crisis Network (JCN) today announced plans for a
11 national campaign to confirm President Trump's
12 nominee to the Supreme Court."

13 Do you see that?

14 A I do.

15 Q This is the Gorsuch campaign, correct?

16 A Correct, on behalf of his nomination.

17 Q That is, this is the same campaign
18 that's referenced on your case studies website; am
19 I correct?

20 A Yes, that would be correct.

21 Q Okay, and so it continues, "Coming off
22 of its historic 'Let The People Decide' victory in
23 the Garland nomination battle" --

24 A Where are you here? Are you --

25 Q This is the second sentence of the press

1 release.

2 A Oh, okay, you're there. Okay, got it.

3 Yes, I see it.

4 Q "Coming off of its historic 'Let The
5 People Decide' victory in the Garland nomination
6 battle, JCN will engage a comprehensive campaign
7 of paid advertising, earned media, research,
8 grassroots activity, and a coalition enterprise,
9 all adding up to the most robust in the history of
10 confirmation battles."

11 Is that -- that's the campaign in which
12 CRC participated?

13 A Correct.

14 Q And then on the next page of this press
15 release, in the paragraph beginning "The team."

16 Do you see that?

17 A Yes.

18 Q Okay. It says, "The team leading the
19 campaign combines high-level GOP and conservative
20 campaign professionals, as well as some of the
21 nation's top conservative grassroots
22 organizations."

23 Do you see that?

24 A I do.

25 Q And then it says "they include," and the

1 first on the list is "CRC Public Relations --
2 President Greg Mueller will spearhead
3 communications and media strategy."

4 Do you see that?

5 A I do.

6 Q And is that correct? Did you spearhead
7 communications and media strategy for this
8 campaign?

9 A Yes.

10 Q Okay, and do you agree with the Judicial
11 Crisis Network's characterization of you as a
12 conservative campaign professional?

13 MR. STRAWBRIDGE: Can you just give
14 me a line reference?

15 MR. KAMRAS: It's directly
16 preceding the reference of CRC Public
17 Relations.

18 MR. STRAWBRIDGE: "The team . . .
19 combines high-level GOP and conservative
20 campaign professionals as well as some of the
21 nation's top conservative grassroots
22 organizations"?

23 MR. KAMRAS: Yes.

24 MR. STRAWBRIDGE: Okay. I just
25 want to make sure I understood what you're

1 referring to.

2 I'll object to the form of the

3 question, but you can answer.

4 THE WITNESS: Could you repeat it,

5 please?

6 BY MR. KAMRAS:

7 Q Do you, do you consider yourself a,
8 either a high-level GOP or a conservative campaign
9 professional?

10 A I would say part of my 30-year career,
11 it has involved working on conservative campaigns,
12 so it's probably an accurate reflection.

13 Q And is it true that you've, in fact,
14 been characterized or referred to, rather, by the
15 Judicial Crisis Network as the group's "public
16 relations maestro"?

17 A I don't know if I've -- what are you
18 referencing?

19 Q You haven't heard that one?

20 A A "public relations maestro"? I might
21 have heard that around. Somebody report that?

22 Q Someone reported that.

23 A Okay.

24 Q Okay, and is it true that CRC has also
25 worked with the Federalist Society, has provided

1 media relations for the Federalist Society?

2 A That's correct.

3 Q Okay, and so we were, we were talking
4 about CRC's connection with helping support
5 Justice Gorsuch's nomination. Is it also true
6 that CRC helped to support Justice Kavanaugh's
7 nomination?

8 MR. STRAWBRIDGE: I want to just, I
9 want to just interject the caution I gave
10 earlier, which is that we're outside the
11 realm of CMP and David Daleiden.

12 I will instruct the witness not to
13 answer these questions except to the extent
14 it addresses information about CRC's work on
15 behalf of other clients that is already
16 publicly known.

17 So if you can answer that question
18 within the framework of that instruction,
19 please feel free to do so.

20 BY MR. KAMRAS:

21 Q I assure you I, I know only what's
22 publicly known, and so the answer is publicly
23 known.

24 So is it, is it, is it true,

25 Mr. Mueller, that CRC also engaged in helping

1 media relations in connection with Justice

2 Kavanaugh's campaign -- excuse me -- Justice

3 Kavanaugh's nomination to the Supreme Court?

4 A That would be accurate.

5 Q Okay. Do you know who Ed Whelen is?

6 A Yes, I know Ed.

7 Q Is it Whelan or Whelen?

8 A Whelan.

9 Q Whelen, okay, and during Justice

10 Kavanaugh's confirmation hearings, Mr. Whelan --

11 A Yes, that's correct.

12 Q -- suggested in Twitter that he had

13 obtained information that would exculpate then

14 Judge Kavanaugh from the sexual assault

15 allegations made by Christine Blasey Ford,

16 correct?

17 A Correct.

18 Q Okay, and specifically what he alleged

19 is that it was not then Judge Kavanaugh that had

20 sexually assaulted Ms. Ford, as she alleged, but

21 rather one of Judge Kavanaugh's classmates,

22 correct?

23 A That he alleged that?

24 Q That's what Mr. Whelan alleged, correct?

25 A I think that would be an accurate

1 reflection.

2 Q Accurate or inaccurate?

3 A Accurate.

4 Q Okay, and is it true that CRC developed
5 a media strategy to draw attention to Mr. Whelan's
6 theory?

7 MR. STRAWBRIDGE: Same -- I'm
8 sorry. Are you done with your question?

9 MR. KAMRAS: Yeah, I was done.

10 MR. STRAWBRIDGE: Same question --
11 or same instruction that I gave previously.
12 Only answer that question to the extent you
13 can do so based on information that is public
14 about the extent of CRC's operations
15 unrelated to CMP or David Daleiden.

16 THE WITNESS: So we -- during that,
17 his Twitter feed, we alerted press that he
18 was going to have an announcement.

19 BY MR. KAMRAS:

20 Q You alerted press that Mr. Whelan was
21 going to have an announcement; is that correct?

22 A Correct.

23 Q Okay, and this, this was a -- and, and
24 actually Mr. Whelan indicated that he was going to
25 have an announcement that was to come in -- I

1 think it was 48 hours, right?

2 A I didn't -- I don't recall whatever,
3 whatever, whatever, what he said specifically, but
4 there was a coming announcement that he was, he
5 was to tell -- to watch his Twitter feed was what
6 he was telling people.

7 Q It was sort of a -- it was a tease,
8 right? He was basically saying watch the Twitter
9 feed because something important is going to be
10 announced, right?

11 A I think it would be accurate to say that
12 he was saying I've got something that I'm going to
13 be informing the public about, and you should
14 follow me.

15 Q And, and that was an effort to generate
16 attention for Mr. Whelan's feed and whatever it is
17 that he was going to announce?

18 MR. STRAWBRIDGE: Object to the
19 form of the question.

20 MR. MONAGHAN: Join in the
21 objection.

22 THE WITNESS: Repeat. Sorry.

23 BY MR. KAMRAS:

24 Q Yeah, that was an effort to generate
25 attention for Mr. Whelan's Twitter feed and

1 whatever it is that ultimately he was going to
2 announce regarding then Judge Kavanaugh, correct?

3 A It's correct to say that he was -- he
4 had an announcement or he was building for an
5 announcement. He was getting people to anticipate
6 that there was an announcement coming that was
7 important given his expertise as a legal analyst.

8 MR. KAMRAS: Why don't we mark as
9 next in line, which is Exhibit 331, this
10 article from Politico, which is dated
11 September 21, 2018, which purports to depict
12 what it says is "conservative legal activist
13 Ed Whelan."

14 (Exhibit 331 was marked for
15 identification.)

16 BY MR. KAMRAS:

17 Q Is that, in fact, a picture of
18 Mr. Whelan?

19 A That is. That's Ed.

20 Q And it, it reads, "PR firm helped Whelan
21 stoke half-baked Kavanaugh alibi. CRC Public
22 Relations, a powerhouse conservative firm, guided
23 Ed Whelan on a bad Twitter adventure."

24 Do you see that?

25 A Yes.

1 from the Huffington Post, of which I'm sure you
2 agree in all regards.

3 In the third paragraph --

4 MR. MONAGHAN: Just a moment. Do
5 you have a copy?

6 MR. KAMRAS: I, I don't, I don't
7 have a copy. I'm sorry, Counsel.

8 BY MR. KAMRAS:

9 Q In the third paragraph, it begins, "CRC
10 Public Relations is a staple of the conservative
11 public affairs ecosystem."

12 Do you agree with that statement?

13 MR. STRAWBRIDGE: Object to the
14 form of the question.

15 MR. MONAGHAN: Join in the
16 objection.

17 THE WITNESS: "Is a staple of the
18 conservative public affairs ecosystem." I
19 mean we're a public relations firm that works
20 with conservative groups and organizations.

21 BY MR. KAMRAS:

22 Q It continues, "The firm originally
23 called Creative Response Concepts, was founded in
24 1989 but first achieved prominence in 2004 when it
25 coordinated the Swift Boat Veterans for Truth

1 campaign, a nationwide PR and advertising campaign
2 to cast doubt on Democratic presidential candidate
3 John Kerry's war record."

4 Did CRC coordinate the Swift Boat
5 Veterans for Truth campaign?

6 MR. STRAWBRIDGE: I'll just
7 interpose my prior instruction. You may
8 answer that question to the extent it does
9 not require you to reveal nonpublic
10 information about work that you have done on
11 behalf of clients unrelated to CMP, David
12 Daleiden, or Planned Parenthood.

13 THE WITNESS: CRC did media
14 relations work for the Swift Boat Veterans
15 for Truth.

16 BY MR. KAMRAS:

17 Q Campaign?

18 A Well, call it "campaign." We were --
19 they were -- the Swift Boat, the Swift Boat
20 Veterans for Truth, actually Swift Boat Veterans
21 and POWs for Truth were a client of CRC's. We
22 handled media relations is what we do --

23 Q And --

24 A -- media and representation.

25 Q Sorry.

1 A Sorry.

2 Q And the -- this, this was a, at least
3 one of the products of the Swift Boat Veterans for
4 Truth was to release a, an advertisement during
5 John Kerry's presidential run in 2004, correct?

6 A Part of the public effort on the Swift
7 Boat, that's what it was, an ad campaign.

8 Q Right. This was an ad campaign that,
9 that said that John Kerry was lying about his war
10 record, correct?

11 A I'm trying to remember exactly what the
12 ad said, but they, they, they were challenging
13 his, his account of things during the time he was
14 over there, some of his fellow Swift Boaters.

15 Q And John McCain criticized that ad,
16 didn't he?

17 MR. MONAGHAN: Objection. Form.

18 MR. STRAWBRIDGE: I'm, I'm going to
19 object. I'm just going to ask, just as a
20 matter of professional courtesy. This is a
21 nonparty. We're here on Rule 45 which
22 protects nonparties from unnecessary burdens
23 in discovery, and you are entitled to use
24 your time as you wish. At some point we
25 cross the line from relevant information to

1 completely irrelevant, if not harassing,
2 information, and we're getting close there.

3 So I would just please ask counsel,
4 at 4:35 now on a Friday afternoon, to
5 consider whether or not these questions are
6 really necessary of this nonparty witness in
7 this case.

8 MR. KAMRAS: I note your objection,
9 and I'll assure you that we'll be done soon.

10 MR. STRAWBRIDGE: Thank you.

11 MR. KAMRAS: But I, I dispute the
12 relevance, but we'll be done soon, so you
13 don't have to worry about the burden.

14 BY MR. KAMRAS:

15 Q Isn't it, isn't it true that John Kerry
16 [sic] criticized the Swift Boat for Veterans
17 advertisement?

18 A John, John Kerry?

19 Q Let me try that again.

20 Isn't it true that Senator John McCain
21 criticized the Swift Boat for Veterans
22 advertisement?

23 MR. STRAWBRIDGE: Object to the
24 form of the question.

25 MR. MONAGHAN: Same objection.

1 THE WITNESS: I recall vaguely now
2 that senator McCain voiced his -- some level
3 of, of questions about the campaign, about
4 the ad, actually.

5 MR. KAMRAS: Okay. We'll mark as
6 next in line Exhibit 333.

7 (Exhibit 333 was marked for
8 identification.)

9 BY MR. KAMRAS:

10 Q This is an article which I downloaded
11 from FoxNews.com, so you may have some, you know,
12 greater affinity for it, and it says at the top,
13 "Republican Senator John McCain, a former prisoner
14 of war in Viet Nam, called an ad criticizing John
15 Kerry's military service 'dishonest and
16 dishonorable,' and urged the White House on
17 Thursday to condemn it as well."

18 Do you recall Senator McCain's statement
19 as reported here?

20 A I recall Senator McCain had criticism,
21 as I stated, of, of the ad, and I don't recall
22 exactly what he said, but I take it it's in the
23 Associated Press story here.

24 Q Returning to Exhibit 331. Maybe it's
25 332.